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TOWN OF MONTCLAIR

COMPILATION OF LAWS AND ORDINANCES

INCLUDING

RULES OF THE SEVERAL DEPARTMENTS

OF THE TOWN

MADE BY THE

LAW COMMITTEE OF THE TOWN COUNCIL

November 1, 1908.


REMOTE STORAGE
TOWN OF MONTCLAIR
BOOKSTACKS OFFICE

COMPILATION OF LAWS AND ORDINANCES
INCLUDING
RULES OF THE SEVERAL DEPARTMENTS
OF THE TOWN

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TO THE COUNCIL OF THE TOWN OF MONTCLAIR:

Pursuant to the instructions of the Council, the Law Committee has caused to be prepared an amended compilation of the laws affecting this town and the ordinances of the town now in force therein.

The Committee respectfully submits the same to the Town Council with the accompanying report of the Town Attorney who made the compilation.

Dated November 1st, 1908.

CHARLES H. HARTSHORNE,

Chairman.

gift

March 1925

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TO THE LAW COMMITTEE OF THE MONTCLAIR TOWN COUNCIL:

The Law Committee were instructed in May, 1908, to prepare an amended compilation of the laws and ordinances affecting the Town.

The compilation presented herewith shows the Town Law under which Montclair exists together with all direct amendments and supplements. The original organization was under Chapter 325 of the Laws of 1888, a special election having been held for that purpose. This act was declared unconstitutional in *State vs. Englewood*, decided at the February Term, 1895. Chapter 113 of the Laws of 1895, usually known as the Voorhees Act, contained a provision in Section 85 which gave Montclair a valid town government.

Butler vs. Montclair, 67 N. J. Law, 426.

For convenience of reference, where a section of the original act has been superseded, the later act is inserted in place of the original section. In addition will be found the laws passed since January 1, 1902 (the date of the former compilation), affecting the administration of the Town government, which are most likely to be of value to citizens. Of course, there are many other acts which have direct relation to the Town officials, but are of no special importance to the citizens as such.

All the general ordinances of the Town with amendments to date are included in this compilation.

The Sanitary Code adopted by the Board of Health and the rules and regulations of the Board of Education are added. The general school law has not been printed, as it is voluminous and has little relation to the administrative acts of the Council.

As the rules of the Fire Department have been recently published in neat form, they are omitted. The rules of all other departments of the Town government are included.

The citations of decisions include only cases where direct reference is made to the acts interpreted.

Montclair, November 1st, 1908.

Respectfully submitted,

ROBERT M. BOYD, JR.,

Town Attorney.

TOWN ACT.

An Act providing for the formation, establishment and government of towns (Approved March 7, 1895.)

See revision 1895, Vol. 3, page 3525, etc.

1. That the inhabitants of any town, village, borough or township which has, or hereafter may have, a population exceeding *four* [as am'd L. 1903, Ch. 5] thousand inhabitants, may become a body politic and corporate in fact and in law by the name and title of "the town of (specifying the name borne by such town, borough or township), in the county of (specifying the county in which the same is situated)," whenever at any special election called for that purpose, or at any town or charter meeting or election, at which the question of incorporating under this act is submitted, as hereinafter provided, it shall be so decided by a majority of the voters thereof voting at any such election.

2. That the council, township committee or other governing body of any such town, borough or township, upon the petition, in writing, of at least fifty resident freeholders, may, by the votes of the majority of all the members thereof, adopt an ordinance for the holding of a special election in such town, borough or township for the purpose of deciding whether such town, borough or township shall become incorporated as a town under the provisions of this act, which ordinance shall prescribe the time and place or places of holding such special election and such other regulations respecting the same as may be deemed necessary and proper; *provided, however*, that instead of providing for a special election, such ordinance may provide for submitting the question of incorporating as a town under this act to the voters of such town, borough or township at the town or charter meeting or election to be held next thereafter.

3. That if a special election be called, notice of the same shall be given by advertisement published in the official newspaper or

newspapers (if any) of such town, borough or township, and if there be none, in at least two newspapers published in the county and circulating in such town, borough or township, at least once in each week for two weeks successively, and by printed notices posted in at least one hundred conspicuous places therein, at least fifteen days next preceding the time appointed for such special election, which advertisements and notices shall specify and set forth the time, place or places and the object and purpose of holding such special election; and in case said ordinance provides for submitting the question of incorporating as a town under this act at a town or charter meeting or election, notice thereof shall be given by advertisement published in the official newspaper or newspapers of such town, borough or township (if any), and if there be none, in two newspapers published in the county and circulating in such town, borough or township, for two weeks successively, next preceding the day appointed by law for holding such election, at least once in each week, and by printed notices posted in at least one hundred conspicuous places therein at least fifteen days prior to the day appointed by law for holding such election, which advertisement and notices shall set forth that the question of incorporating as a town under the provisions of this act will be submitted at the next ensuing town or charter meeting or election.

4. That any special election held under the provisions of this act shall be by ballot and shall be held and conducted under the general acts respecting elections, and the votes shall be canvassed and counted in the manner provided by law for canvassing and counting votes at town or local elections held in such town, borough or township; the ballots shall contain the words "for incorporation as a town under the act entitled 'An act providing for the formation and government of towns,'" or "against incorporation as a town under the act entitled 'An act providing for the formation and government of towns,'" and in case the question of incorporation as a town under this act shall be submitted at a town or charter meeting or election, the words "for incorporation as a town under the act entitled 'An act providing for the formation and government of towns,'" shall be printed on each ballot beneath the list of candidates thereon; if said words or proposition be marked off or defaced upon the ballot, it shall be counted as a vote against the same; if not marked off or defaced, the ballot shall be counted as a vote in

favor thereof; if a majority of the votes so cast at any special town or charter meeting or election shall be in favor of incorporation as a town under this act, then within three days after the result of the election shall have been declared, a certificate of the result of such election signed by the chairman of the council, committee or governing body of such town, borough or township, and attested by the clerk thereof, together with certified copies of the petition, ordinance and statement of the board of canvassers or election officers who canvassed the vote, and proof by affidavits that due notice of such election was given, shall be filed with the secretary of state, and from and after filing the same such town, borough or township shall be and it is hereby declared to be a body politic and corporate in fact and in law by the name and title aforesaid, and by said name and title shall have perpetual succession, sue and be sued, prosecute and defend in all courts in this state; have a common seal and alter the same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of the town.

[For procedure *re* incorporation as city, see L. 1903, Ch. 145.]

5. That it shall be the duty of the council, township committee or other governing body of such town, borough or township, which shall have voted as aforesaid for incorporation as a town under this act, to divide such town into not less than three wards; each ward shall consist of contiguous territory, and each shall contain as nearly as possible an equal number of inhabitants; *provided, however*, that such division into wards shall be made at least one month before the first annual town election held under this act; *and provided further* that where any town, borough or township shall have been divided into three or more wards before adopting this act, such division shall continue, and such existing wards shall constitute the wards of the town as formed and incorporated under this act until changed by the council, and said council may change such division and create new or different wards at any time within one year after the declaration of the result of any official state or United States census.

6. That the officers of any town, borough or township, which has voted as aforesaid for incorporation as a town under this act, who shall hold office at the time of filing the aforesaid certificate with the secretary of state, shall continue to hold their respective offices until the first day of May next succeeding the first annual

town election held under this act, and shall in all things be subject to the provisions of this act in the same way as if they had been elected hereunder; and no surety of any such officer shall be discharged from liability on account of any change made in the duties of such officer by this act, unless within five days after this act becomes operative in such town, he shall, in writing, notify the council of his intention to withdraw from his suretyship, in which case he shall be discharged from liability from the time this act becomes operative in such town; and the council may require such officer to furnish new or additional sureties in place of the ones withdrawing as aforesaid; and if he fails or neglects so to do, the council may declare his office vacant, and may fill such vacancy in the manner hereinafter prescribed for the filling of vacancies.

7. That the council or governing body of the town may fill by appointment all such offices herein provided for which did not exist in the town, borough or township of which it is the successor; and all such appointments to elective offices shall hold only until the first day of May next succeeding the first town election held under the provisions of this act, and all other such appointments shall hold only until the first day of June next thereafter.

[See L. 1908, Ch. 143.]

8. That any town which may be formed or incorporated under the provisions of this act shall take, hold, possess and enjoy and become absolutely vested with all the rights and property of the town, borough or township of which it is the successor, and shall be responsible for and liable to all contracts, debts and obligations of such town, borough or township.

9. That the town and ward officers of the town shall be a town council, consisting of two councilmen from each ward and one *Mayor* [L. 1905, Ch. 164, and L. 1907, Ch. 63], a town clerk, a town collector, a town treasurer, a town attorney, an assessor, a recorder, a board of commissioners of appeal, consisting of one member from each ward, an overseer of the poor, one or more town surveyors, one or more poundkeepers, a board of education consisting of three members from each ward, three commissioners of assessment, a chief of police and a chief engineer of the fire department, three constables in each ward and such number of justices of the peace as the town may be entitled to under the constitution and laws of this state, and for the purpose of electing justices of the peace, each town

shall be considered a township, and in counties in which chosen freeholders are elected by townships and wards each ward of the town shall elect one chosen freeholder.

[Assistant Collector of Taxes. But see L. 1907, Ch. 152.]

10. [*As am'd by L. 1902, Ch. 171, and L. 1906, Ch. 120*]. The councilmen from each ward and the *Mayor* [L. 1905, Ch. 164], town clerk, town collector, assessor, constables and members of the board of education shall be elected at an annual town election; the town treasurer, town attorney, recorder, overseer of the poor, chief of police, *chief of the fire department* [L. 1902, Ch. 171], *town surveyor*, *board of assessors*, and poundkeepers shall be appointed by the *town council* in the manner and for the terms hereinafter provided; the term of office of any officer elected or appointed, not herein otherwise provided for, may be fixed by council by ordinance; the council may in like manner appoint such other subordinate officer as may be deemed necessary, *and fix his terms of office and compensation, and define his duties.*

[Council may appoint all assessors. L. 1908, Ch. 153.]

11. [*Repealed by L. 1905, Ch. 3, as am'd by L. 1905, Ch. 192*]

LAWS OF 1905, CHAPTER 3, AS AM'D BY L. 1905, CH. 192.

An Act relative to the time of election and appointment and terms of office of officers elected or appointed in towns, townships, boroughs and other municipalities in this state.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. *Hereafter, in all towns, townships, boroughs and other municipalities in this state, all officers required to be elected therein at any municipal or charter election shall be voted for and elected on the first Tuesday after the first Monday of November in each year, and with the same registration and upon the same official ballots required by law for the election of state and county officers, and not otherwise; and the said ballots voted as aforesaid for such officers shall be canvassed, and the result of any such election therefor shall be determined as now provided by law in the case of county officers and certified to the clerk of such town, township, borough or other municipality, it being the intention hereby to consolidate the municipal or charter elections in towns, townships, boroughs and other muni-*

palities with the general or state election; provided, that nothing herein contained shall be construed to affect the election of commissioners in those municipalities the boundaries of which are not coterminous or coextensive with the boundaries of the township of which they are a part and whose elective or appointive officers are not authorized by law to assess and collect taxes, nor any member of any board of education or school trustee.

2. The term of office of every such elective officer (except justices of the peace) heretofore elected in any town, township, borough or other municipality, and holding office at the passage of this act, shall be and hereby is extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; provided, that this section shall not apply to any officer whose term of office now expires by law on the first day of January in any year.

3. Every officer heretofore appointed or chosen by the township committee, mayor or other governing body of any town, township, borough or other municipality, and holding office therein at the passage of this act, shall continue in office, and his term of office shall be and hereby is extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; provided, that this section shall not apply to any officer whose term of office now expires by law on the first day of January in any year.

4. The terms of office of all officers (except justices of the peace) hereafter elected in any town, township, borough or other municipality shall commence at twelve o'clock noon on the first day of January next succeeding their election and continue for the respective terms of years now fixed by law; and the terms of office of all officers hereafter appointed or chosen by the township committee, mayor or other governing body of any town, township, borough or other municipality, except to fill vacancies, shall commence on the first day of January of the year in which they are appointed and continue for the respective terms of years now fixed by law, when said term is for a definite period; provided, however, that no appointment of any officer shall be made by the township committee or other governing body of any town, township, borough or other municipality for a term of office to commence after the expiration of the term of any member of said township committee or other governing body, or by the mayor

of the borough or other municipality, for a term of office to commence after the expiration of the term of said mayor.

5. All vacancies in offices in any town, township, borough or other municipality of this state arising from or created by any other cause than expiration of term of office shall be filled for the unexpired term only.

6. The powers, duties and authorities of every officer whose term of office is extended by this act are hereby continued in full force and effect for and during the period of such extension.

7. Every officer now or hereafter holding any office covered by the provisions of this act, except justices of the peace, shall continue to hold such office and to exercise the duties thereof, notwithstanding the time limited for such continuance shall have expired, until his successor has been chosen and qualified, unless sooner removed in the manner provided by law.

8. All acts and parts of acts, special or general, inconsistent with the provisions of this act are hereby repealed.

9. This act shall take effect immediately. •

Approved, February 15th, 1905.

Newly elected officer need only take oath of office before term begins, under act of February 15th, 1905. (Pamph. L., p. 14.)

Atty.-Gen., *ex rel.* Smith, v. Petty, 73 N. J. L. 333.

Only time of officials of town, township, borough or other municipalities extended by terms of act of February 15th, 1905. (Pamph. L., p. 14.)

Van Emburgh, Rel., v. Trall, 73 N. J. L. 394.

12. That the person or persons receiving the greatest number of votes of those given in the town for any town office and of those given in each ward, respectively, for any office in or from the ward, shall be declared to be elected.

13. That the board of town canvassers shall consist of one judge or inspector of election from each election district in the town, who shall be appointed for that purpose by the other election officers (excluding the clerk) of such district, a majority of the board shall constitute a quorum, and the town clerk shall be clerk of said board; the board shall meet on the Friday next after such election, at three o'clock in the afternoon, at the town hall, and shall choose one of their number to be chairman thereof; if the town clerk shall fail to attend, the board may appoint one of their own number to be clerk thereof; thereupon the members of the board shall produce the statements which shall have been delivered

to them as aforesaid, and lay the same before the board, and from such statement the board shall proceed to ascertain the votes given at such election for the several officers voted for thereat; *provided, however*, that if for any reason, any member of such board shall fail to produce such statement, that then, on the request of the board, the town clerk shall produce and lay before the board the statement filed with him, and the same may be used with the like effect as if it had been produced by the member so failing to deliver his statement.

[As to compensation of election officers, see L. 1903, Ch. 266, and L. 1908, Ch. 40.]

The act of 1903, Ch. 266, is a supplement to the general election law of 1898, and relates only to services performed under the law of 1898.

Saves v. Trall, 71 N. J. L. 91.

14. That the said board of canvassers shall make a written statement of the number of votes given for the several officers to be elected for said town and the several wards thereof, the names of the persons for whom such votes were given and the number of votes given for each; that upon such statement said board shall proceed to determine and declare what person or persons have received the greatest number of votes for each of the officers mentioned in such statement; the statement and final declarations of the board shall be certified to by the presiding officer and clerk, and shall be filed with the town clerk and be by him recorded in a book to be kept for that purpose; and within two days after such canvass of the votes, the town clerk shall deliver to every person elected to any town or ward office a certificate thereof, under the seal of the town.

15. That if at any such election there shall be a failure to fill any office, except that of *mayor* or member of the board of education, by reason of two or more persons having received an equal number of votes therefor, the town council then in office shall by ballot elect one of the persons so receiving an equal number of votes to fill such office until the next town election, when the unexpired portion of the term (if any) shall be filled by the electors of the town; and if there shall be a failure for like cause to fill the office of councilman or member of the board of education, a new election for such officer or officers shall be immediately ordered by the town council.

16. That except as herein otherwise provided, at the first town

election held under this act one member of the council from each ward shall be elected for one year, and one member for two years; and one member of the board of education shall be elected for one year, and one member for two years, and one member for three years; and the electors voting at such election shall designate on their ballots the terms for which the several candidates for said offices shall be elected; and thereafter, annually, a member of the council shall be chosen from each ward for two years, and a member of the board of education for three years.

17. That no person shall be eligible to any office under this act unless he shall have resided in the town for the period of at least one year, and no person shall be eligible to any ward office unless he shall be an actual resident of the ward; and no person shall be eligible to any office unless he is a citizen of the United States; *provided, however,* that the town attorney and the town surveyors need not be residents of the town; and when any person except town attorney and town surveyors, elected or appointed to any town or ward office, shall remove from the town or ward, his office shall thereby become vacant.

18. [*As am'd by L. 1905, Ch. 13.*]

An Act concerning the filling of vacancies in elective offices in towns and in cities of the third class.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. *In all towns and cities of the third class in this state the common council, board of aldermen, or other governing body, shall have the power to fill vacancies in all elective offices, including any vacancy occurring or existing in any such common council, or board, or body, and such officer so appointed or chosen to fill any such vacancy shall hold office until the first day of January next succeeding the next local or charter election in such city; and such vacancy shall be regularly filled for the unexpired term thereof, if any remain, at the next local or charter election held in such city in the same manner as before the passage of this act; if such vacancy occur at so short a period of time before the next annual election that such office cannot be duly filled at such election the common council, board of aldermen, or other*

governing body of such city, may fill such vacancy in the same manner as though the same had occurred immediately after said election, and the said vacancy shall be regularly filled at the next subsequent local or charter election in such city held thereafter; any person now holding any such elective office by virtue of any appointment made by any such common council to fill a vacancy regularly arising are hereby confirmed in such office and their title thereto is hereby validated.

2. *This act shall take effect immediately.*

Approved March 1, 1905.

[See also L. 1908, Ch. 143.]

19. That in case any such vacancy as aforesaid shall occur in any office which is filled by appointment or election by the town council, the said town council shall have power to fill such vacancy by the appointment of a suitable person to hold for the unexpired portion of the term of such office.

20. That every person elected or appointed under this act to any office shall, within ten days after such election or appointment, take and subscribe before an officer qualified to administer oaths an oath or affirmation, faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which oath or affirmation shall be filed in the town clerk's office, and if any person so elected or appointed shall fail so to qualify, then his office shall be deemed vacant, and may be filled in the manner hereinbefore provided.

[Appointment is not invalidated by failure to file oath; L. 1905, Ch. 242. Oath once filed suffices; L. 1906, Ch. 3. See 73 N. J. L. 333.]

21. That the town clerk, town treasurer, town collector and such other officers as the town council may require, before they enter on the duties of their office and within such time as the board of council may by ordinance prescribe, shall give bonds to the town in its corporate name in such sums and with such sureties as the board of council shall require and approve for the faithful performance of their duties, which bonds, when so given, shall bind the obligors therein named until the successors to the officers giving the same shall be actually inducted into office, and if any officer shall fail or neglect to give bonds in the sum or with the sureties or within the time required by such ordinance, the council may declare such office

vacant, and such vacancy shall be filled in the manner hereinbefore provided.

22. That the official terms of the several officers who shall be elected under this act shall commence on the first day of May next succeeding their election; and the term of any officer who shall be appointed by virtue of this act shall commence on the first day of June next succeeding his appointment, except in cases otherwise provided for in this act, and every officer shall hold his office during his official term and until his successor shall have been duly elected or appointed and shall have duly qualified.

23. That it shall be the duty of every officer in said town within ten days after the expiration of his term of office or his removal therefrom to deliver to his successor in office, or to such person as the town council may appoint, all books, records, papers, vouchers and property of every kind in his possession or under his control, belonging to said town or appertaining to such office.

24. That no officer of the town elected or appointed under this act shall hold any other office of profit or trust under this act, and any such officer who shall accept any other office under this act shall be deemed to thereby vacate the office to which he was first elected or appointed.

25. [*As amended by Laws of 1900, Chapter 30.*] The salaries and compensation to be paid to the town clerk, the town collector, the town treasurer, the town attorney, the recorder, the assessor, the chief of police and the members of the police force, the chief of the fire department, the overseer of the poor, the town surveyors, poundkeepers, commissioners of appeal, commissioners of assessment and members of the town council, shall be fixed by ordinance of the town council; and the salary or compensation of any officer which has been fixed as aforesaid shall not be increased or diminished during his term of office, and all fees paid to any of said officers for any services required of him by this act, or by any ordinance or resolution of the town council, shall, immediately after the receipt thereof, be paid by such officer to the town treasurer for the use of the town, unless herein otherwise specially provided; *provided, however*, that such salaries shall not exceed the following sums per year, viz., the town clerk, two thousand dollars; members of the town council, five hundred dollars each; town collector, two thousand dollars; town treasurer, two thousand dollars; recorder, six hundred

dollars; (assessor, one thousand dollars.) [*Repealed by L. 1899, Ch. 107.*]

[See L. 1899, Ch. 107, providing for a board of three assessors, to receive such salaries as the town council shall by ordinance prescribe.]

Mayor may have salary up to \$1,000. L. 1908, Ch. 232.

26. That all the officers of the town shall be governed by such general ordinances as the town council may from time to time adopt, not inconsistent with the provisions of this act and the laws of this state, and every officer may be removed from office for cause by a two-thirds vote of all the members of the council, but no such removal shall take place until the person sought to be removed shall have had an opportunity of being heard in his own defense; but the provisions of this section shall not apply to any member or officer of the board of education.

27. That the town clerk shall hold office for the term of two years, and shall, in addition to the duties required of him by this act or any other law of this state, have charge of all the records, books and documents of the town, except when the town council shall otherwise direct; he shall keep a record of the proceedings of the council, he shall engross all ordinances in a book to be provided for that purpose, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman of the council and said clerk; copies of all papers duly filed in the office of the town clerk and transcripts thereof and of the records and proceedings of the board of council and copies of the ordinances of said town, certified by the said clerk under the corporate seal of the town, shall be evidence in all courts and places; the town clerk shall pay over to the town treasurer, without delay, all moneys received by or paid to him for the use of the town; his office shall be at the town hall, and he shall keep the same open for the transaction of public business during such hours as the council shall by ordinance prescribe; it shall be lawful for him to charge and receive for his own use, at the rate of ten cents per folio, for copies of all official papers and records and for the return to any writ of certiorari made by him.

28. That the town collector shall hold office for the term of two years, and it shall be his duty to receive and collect all moneys due to the town, whether for taxes, assessments, arrears of taxes or otherwise; the town council shall provide him with an office at the

town hall, which he shall attend at such times as shall be designated by the council by ordinance; he shall enter, in suitable books to be provided for that purpose, by the council, any sums received by him for any purpose, and he shall specify in such entry the names of the persons by whom or on whose account the payments are made, the dates of payment and the purpose for which payment is made, and if any part of any payment is for interest or penalties, the amount thereof shall be separately stated; he shall at least once each week pay over all moneys collected by him for the town to the town treasurer, and shall take his receipt therefor; he shall furnish the council at least once in each week, and oftener if required, a statement of all moneys received and collected by him since his last preceding report was made, and he shall perform all such other duties appertaining to the said office as the council shall by ordinance prescribe; he shall make a full report annually on the first day of April, to the council, of all moneys received and disbursed by him, and he shall, whenever required, lay before the council for examination and audit all books, papers and vouchers appertaining to his office.

[Fiscal year now begins January 1st, and all financial reports are to be filed December 31st. L. 1905, Ch. 178, and L. 1908, Ch. 264.]

[Assistant collector's office may be abolished by ordinance. L. 1907, Ch. 152. See also L. 1908, Ch. 152.]

29. That the town treasurer shall hold office for two years; he shall receive, safely keep and disburse, under the direction of the council, all moneys belonging to or under the control of the town, he shall keep an accurate account of all receipts and payments in such manner as the council shall direct; no money shall be paid out of the treasury except on warrant signed by the chairman of the council and attested by the town clerk, excepting payments of state and county taxes, which the said treasurer is hereby required to make annually out of the first moneys received by him from the town collector and moneys paid into the town treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasurer except in pursuance of an order or resolution of the council passed at a stated meeting and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person entitled to receive the same, and shall specify for what purpose the amount therein

mentioned is directed to be paid and the appropriation against which it is to be charged; it shall be the duty of the clerk before he delivers any warrant so drawn to enter into the margin of a book to be called "warrant book," opposite to said warrant, the number, date, amount of the same, the appropriation to which it is charged, the date of the resolution or order authorizing it to be drawn, the purpose for which ordered, and the name of the person or persons to whose order it is made payable, and to take his or their receipt in said book at the end of said marginal entry for said warrant; *provided, however*, that nothing in this section contained shall apply to the disbursement and payment of moneys raised or received for public school purposes.

30. [*Repealed by School Law of 1903, approved Oct. 19, 1903. See Sec. 185 et seq.*]

31. That the treasurer, at least once every month, and oftener if required, shall furnish the council with a statement of all moneys received and expended by him (including school moneys) since his last report, and he shall annually, on the first day of April, make to the council a full report of all his receipts and expenditures, and he shall, whenever required, lay before the council, for examination and audit, all books, papers and vouchers appertaining to his office.

[See note above showing repeal of this section so far as relates to school moneys.]

[For change of fiscal year to Jan. 1st, see L. 1905, Ch. 178.]

32. That the recorder shall hold office for two years and shall have jurisdiction and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the town, to issue process either in the nature of a summons or warrant as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three or more than five days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear testimony and to determine and give judgment in the matter without the filing

of any pleadings, and the recorder shall, if judgment be rendered for the plaintiffs, forthwith issue execution against the goods and chattels and against the body of the defendant or defendants; and the said recorder shall be further empowered to inflict fines not exceeding the sum of twenty dollars on such persons as shall be convicted before him of vagrancy, disorderly conduct, breach of the peace, or, in his discretion, to order such persons to be committed to the county jail or workhouse for any period not exceeding thirty days; *provided*, that in all cases where the fine or penalty shall exceed ten dollars or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in courts for the trial of small causes; the recorder shall also have power to cause any person or persons who shall be found guilty of a violation of the ordinances of the town, and who may refuse or neglect to pay any penalty imposed, to be committed to the county jail for any period not exceeding thirty days; and the recorder shall be present at the station house or other place provided for him by the town council, at such hours every day as the council shall designate; and the recorder shall have the same powers in criminal matters within the territorial limits of the town as are possessed and exercised by justices of the peace of this state.

[As to further powers of recorder, see L. 1907, Ch. 194.]

[Recorder has jurisdiction in actions to enforce ordinances of boards of health. Police officers have power to serve process, etc., in such actions. Fines, etc., in such actions are to be paid over to town authorities. L. 1904, Ch. 127.]

33. That any member of the council, during his term of office, and any policeman of said town, shall have the power, on witnessing any breach of the peace or any violation of a town ordinance, to forthwith arrest and take into custody, without warrant, the offender or offenders, and to take said offender or offenders before the recorder of the town for a hearing.

See L. 1907, Ch. 194, Sec. 3.

34. That every conviction for violating a town ordinance had before the recorder, either with or without a jury trial, may be reviewed by appeal to the court of common pleas of the county in the same manner and upon the same terms as appeals are or may be taken from courts for the trial of small causes, and in case the judgment appealed from shall be imprisonment the said recorder or any judge of the court of common pleas may admit to bail the

party appealing during the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defense upon the merits.

See L. 1907, Ch. 194.

35. That the officers empowered to serve process issued by the recorder shall be, besides the constables elected or appointed within the town, the policemen of the town, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants in courts for the trial of small causes are returned, and the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing of the charge made and so orders, enter into recognizance, as near as may be, in the manner directed in the courts for the trial of small causes, in the amount of the penalty named in the process or in any proceedings brought for the recovery of the same, with such surety as may be approved by the recorder, unto the town, by its corporate name, for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

36. That the *Mayor* [L. 1905, Ch. 164], assessor [*but see* L. 1899, Ch 107] and overseer of the poor shall each hold office for the term of two years, and the said assessor and overseer shall perform all the duties required of such officers by law in the several townships of this state and the ordinances of the town.

37. That the town attorney shall be appointed by the council; he shall hold his office for the term of one year, and shall perform such duties as the council shall by ordinance prescribe.

38. That the town surveyors shall be designated from time to time by the council, and they shall give bonds in such penalty and upon such condition, and shall receive such compensation for the service they may render as the council shall by ordinance prescribe.

39. That the poundkeepers shall be appointed by the council, and shall hold their office for such term, and shall perform such duties in addition to the duties imposed upon them by any law of this state, as the council may by ordinance prescribe.

40. [*Repealed by L. 1906, Ch. 120, Sec. 13.*]

41. [*Repealed by L. 1902, Ch. 171.*]

42. That the town council shall meet annually for organization on the first day of *January* [*as amended*], unless that day should happen to be on Sunday, in which case they shall meet on the day preceding; the *Mayor* [*as am'd*] shall be the chairman and shall preside at all meetings of the council; in his absence the council may elect one of their number as chairman for the time being; they shall appoint the times of meeting, determine and establish the rules of their own proceedings, and pass ordinances, by-laws, and resolutions pertaining to the purposes and objects of the corporation and necessary and proper for carrying out the provisions of this act.

43. [*As am'd by L. 1901, Ch. 41.*] That the council shall, on the thirty-first day of December in each year [*as am'd by L. 1905, Ch. 178*] cause to be printed a full statement of all receipts and expenditures of every description for the year preceding, with all such further information as may be necessary for a full understanding of the financial concerns of the town, and that it shall be the duty of the town clerk to distribute such printed statements among the people of the town or to furnish a copy of such statement to every citizen applying for the same.

44. That a majority of the council shall be a quorum for the transaction of business, but a smaller number may meet and adjourn from day to day; the council shall hold stated meetings at least twice in each month at the town hall, at such times as they may appoint, but the chairman or any two councilmen may call special meetings by written notice to each of the members, served personally or left at his usual place of abode at least twenty-four hours previous to the time appointed for such meeting, but no business other than that specified in the call shall be transacted at such special meeting, and no business by this act required to be done at a stated meeting of the council shall be done or performed at any such special meeting.

45. That all contracts in which any councilman shall be interested, either directly or indirectly, or in which any councilman may be surety for the faithful performance thereof, shall be null and void, and no member of the council shall become security for any public officer elected or appointed under this act.

46. [*As am'd by L. 1906, Ch. 179.*] *No ordinance or by-law*

shall be passed by the town council, unless the same shall have been introduced at a previous stated meeting, and shall be agreed to by a majority of the members of the council; and no ordinance shall take effect until five days after it shall have been published in the official newspapers of the town, and if there be none, in at least one newspaper published in the county and circulating in the town; *provided, however,* that no ordinance for opening, grading, flagging, curbing, paving, macadamizing any street, avenue or public place, or for the construction of any sewer, or for any street improvement, shall be passed or adopted unless it shall receive the votes of two-thirds of the members of the council; *provided further, however, that if any such work or improvement shall have been petitioned for by the owners of one-sixth of the lands fronting on the street or section of street proposed to be improved, an ordinance for improving such street or section of street in accordance with such petition may be passed and adopted by the votes of a majority of all the members of the council.*

47. That the council may, by the title, "the council of the town of ———, in the county of ———," pass adopt, alter, modify and repeal ordinances to take effect within the town for the following purposes:

To manage, regulate, protect and control the finances and property of the town; to make and adopt an assessment map or maps whereby to describe lands assessed for taxes or improvements; to ascertain and establish the boundaries of all streets, highways, public lanes and alleys in the town; to regulate, clean and keep in repair the streets, highways, lanes and alleys in the town, and to prevent and to remove all encroachments, obstructions and incumbrances in and upon all streets, highways, lanes and alleys, sewers, drains and water-courses; to prescribe the manner in which corporations or individuals shall exercise any privilege granted to them in the use of any street, highway or alley or in digging up any street, highway or alley for any purpose whatsoever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and public places of the town, and to authorize or prohibit the removal or destruction of such shade trees, to name and number the streets, houses and lots in the town; to provide for and enforce the removal of snow and ice from the sidewalks and gutters of streets, by the owners of land fronting thereon, and to provide that in case of

neglect or refusal of or by the owner of any lot of land fronting on a public street or highway to remove snow or ice from the sidewalks and gutters in front of his lands, that the council may cause the same to be done at the expense of such owner, and that the cost and expense thereof, with interest thereon, shall be added to and shall form part of the taxes next to be levied and assessed upon such lands, and shall be and remain a lien upon such lands until paid; to regulate the use of streets, highways and public places by individuals, vehicles, railways and engines of every kind; to prevent and punish horse-racing and immoderate driving or riding in any street, and to regulate the speed and running of locomotives, engines and railroad cars through the town; to regulate and control the passage through the streets and public places of buildings and other large structures; to prevent animals of all kinds from running at large in the streets or public places of the town, and for the impounding, sale or destruction of the same, and to regulate and prevent the driving of cattles or other animals in droves in or through any of the streets of the town; to prevent and prohibit any practice having a tendency to frighten animals or persons passing in the streets of the town; to regulate or prohibit all public performances and exhibitions for money; to prevent and suppress vice and immorality; to restrain or punish tramps, vagrants, mendicants and street beggars, to preserve the public peace; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming-houses and houses of ill-fame; to establish and regulate one or more public pounds, and to provide for the sale of animals impounded, and to fix the fees to be paid persons impounding animals, and the redemption fees to be paid; to regulate and prevent and to provide for the destruction of dogs running at large; to regulate or prohibit swimming or bathing in the waters of or bounding the town; to regulate the removal or destruction of buildings that are liable to fall, or buildings that are dangerous to life; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fire; to regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks, gunpowder, camphene, kerosene, burning fluid, nitro-glycerine, dynamite or other inflammable or explosive materials; to raze and demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of

just damages and compensation to owners of property destroyed in such cases; to regulate or prohibit the use of firearms and the carrying of weapons of any kind; to erect, provide, repair and control a town hall, police and station houses, fire engines and such other buildings as may be necessary; to regulate, license or prohibit inns, taverns and restaurants, and the sale or transfer of spirituous, vinous, malt or other strong or intoxicating liquors; *provided, however*, that no such license shall be granted to any person who is not a citizen of the United States; and to fix and prescribe the terms and conditions upon which licenses for such purposes shall be granted, and to provide for the revoking and annulling of licenses for violations of such conditions; *provided, however*, that all such conditions shall be printed on the license; and *provided further*, that no license shall be granted unless the applicant shall first pay to the town clerk such license fee as may be required by any general law of this state, and if there be no general law, such fee, not less than fifty dollars, as may be fixed by ordinance; and if the application is rejected the deposit shall be returned; to provide that the penalty for a second conviction within six months of a violation of any such ordinance shall be a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding three months; to license and regulate cartmen, porters, hacks, *cabs, cars, omnibuses, stages and all other carriages* and vehicles used for the transportation of passengers, *baggage*, merchandise and goods and *chattels* of any kind, and the owners and drivers of vehicles and means of transportation, and to require the owners to mark vehicles in such manner as the council shall designate; and to license and regulate auctioneers, common criers, pawnbrokers, junk-shop keepers, *junk dealers*, sweeps and scavengers, and to prohibit unlicensed persons from acting in such capacities; to license and regulate peddlers, *hawkers and hucksters, bill posters, keepers of bath houses, boarding houses and hotels, lodging houses or other buildings used by the public for sleeping or lodging purposes, and news stands, sweeps, scavengers, traveling or other shows, circuses, theatrical performances, plays, exhibitions, concerts, skating rinks, itinerant vendors of merchandise, medicines and remedies, and also the place or places or premises in which or at which the different kinds of business or occupation mentioned above are to be carried on or conducted, and to fix the rate of compensation to be paid therefor, and to prohibit all persons and*

places and all vehicles unlicensed from acting, using or being used in said capacities and for such uses and purposes, and to fix and prescribe penalties for the violation of any such ordinance or ordinances, and that fees for such licenses may be imposed for revenue [as am'd by L. 1905, Ch. 197] [See L. 1908, Ch. 285; provides that violation may be punished either by fine not to exceed one hundred dollars, or by imprisonment not to exceed ninety days]; and no license granted for any of the aforesaid purposes by any other authority shall be valid, except license granted by the governor to hawkers and peddlers; to fix the penalty where the same is not fixed or provided for by this act for the violation of any ordinance by this act authorized to be passed, which penalty shall be a fine not exceeding twenty dollars, and in case of non-payment thereof, imprisonment in the county jail not exceeding thirty days; to provide for, establish, regulate and control a fire department and to establish rules for the government thereof (whose members shall be exempt from military duty in time of peace, and from serving as jurors in courts, for the trial of small causes), and to provide engines and other fire apparatus, and to designate the manner of appointing and removing members of the fire department; to provide for the government of the fire department and the care and repair of the engines and other fire apparatus, and for the purchasing of necessary supplies by a board of fire commissioners, consisting of five members, to be appointed by the council, who shall hold office for one year and who shall receive no salary; and to further provide for the payment of the lawful debts contracted or incurred by such commissioners.

Additional powers are vested in town council as follows:

Assessors—May appoint three. L. 1908, Ch. 153.

Assistant Collector—May abolish office of. L. 1907, Ch. 152.

Bonds—To refund 96 2-3 per cent. of maturing. L. 1907, Ch. 101.

County Roads—To pay part of cost of county roads. L. 1903, Ch. 97.

A signature to a petition for the improvement of a road, under the act of 1903 (Pamph. L., p. 145), must be in the name of the owner of the land. A signature by a husband of his own name, when the land belongs to his wife, cannot be counted, although the wife subsequently ratifies his act.

The signature of the owner of an undivided share of land cannot be counted.

State, *ex rel.* Arnold, v. Freeholders of Cumberland, 72 N. J. L. 448.

When a proceeding for the improvement of a public road was initiated by a petition under the 8th section of the Road Improvement act of March 22d, 1895 (Gen. Stat., p. 2902), before the passage of the Road Improvement act of April

1st, 1903 (Pamph. L., p. 145), the right to assess land bordering on the road for ten per cent. of the cost, which the act of 1895 conferred, was not revoked by the act of 1903.

Harris v. The Bd. of Chosen Freeholders of Burlington Co., 72 N. J. L. 82.

The State Aid Road law of 1895 and its supplements (Pamph. L. 1895, p. 424; Gen. Stat., p. 2902, pl. 413, etc.; Pamph. L. 1896, p. 426; Pamph. L. 1897, p. 20;

Pamph. L. 1898, p. 160; Pamph. L. 1899, p. 78; Pamph. L. 1902, p. 18) are repealed by the act of April 1st, 1903. Pamph. L., p. 145.

Cortelyou v. Anderson, 73 N. J. L. 427.

Decoration Day—To appropriate \$100 for observance of. L. 1908, Ch. 22.

Dog License Fees—To cause dog license fees to be paid to Board of Health, etc. L. 1902, Ch. 22.

Dogs—To kill dogs running at large without a muzzle after proclamation issued. L. 1906, Ch. 259.

Engine Houses—To erect engine houses and other municipal buildings and issue bonds therefor. L. 1903, Ch. 12.

To include in tax levy the rental for fire hydrants. L. 1903, Ch. 138.

Fire Limits—To establish fire limits. L. 1902, Ch. 222, and L. 1905, Ch. 185.

Fire Works—To control fire works and explosives. L. 1905, Ch. 185.

Forest Fires—To appoint fire marshal and prevent, etc., forest fires. L. 1902, Ch. 139. See also L. 1907, Ch. 9.

Forestry—To use lands for forestry. L. 1906, Ch. 136.

Freeholders—To appoint chosen freeholders to fill vacancy. L. 1905, Ch. 155.

Freight—To consent to street railroad carrying freight. L. 1906, Ch. 77.

Garbage and Ashes—To provide for collection, etc., of garbage and ashes. L. 1903, Ch. 45.

Grade Crossing—To bond town *re* grade crossing abolition. L. 1904, Ch. 209.

To consent to grade crossing. L. 1906, Ch. 301.

Hospital—To contribute (after vote at election) to hospital. L. 1904, Ch. 7.

Lamps on Vehicles—To require lamps on vehicles. L. 1902, Ch. 223.

Lawn—To maintain strip of lawn on street. L. 1905, Ch. 112.

Library—To accept a conditional gift of a library building or moneys therefor. L. 1902, Ch. 88.

To purchase site for library and issue bonds to defray the expense. L. 1902, Ch. 230; L. 1905, Ch. 150.

Liquor—Licenses for sale of liquor. See L. 1906, Ch. 114 and 166; L. 1907, Ch. 255; L. 1908, Ch. 146.

The right to regulate the sale of intoxicating liquors by retail by the legislature or by municipalities or other authority, under legislative power given, is within the police power of the state, and is practically limitless. It may extend to the

prohibition of the sale altogether. A license is not a contract. It is a mere privilege.

Meehan v. The Bd. of Excise Commissioners of Jersey City, 73 N. J. L. 382.

Medicinal Preparations, etc.—To regulate and prohibit distribution, etc., of medicinal preparations, etc., and advertisements relating thereto. L. 1904, Ch. 88.

Mosquito Breeding—To make appropriation to prevent mosquito breeding. L. 1905, Ch. 80.

Municipal Buildings—To purchase municipal buildings (after vote at election) up to \$50,000, and issue bonds therefor. L. 1902, Ch. 5.

Numbering of Houses—To provide for official numbering of houses, etc. L. 1902, Ch. 187.

Parks—To establish parks, etc., and issue bonds therefor. L. 1904, Ch. 37.

To establish parks, etc., by condemnation. L. 1906, Ch. 269.

To lay out and maintain parks, etc. L. 1908, Ch. 104.

Pension—To pension Civil War veteran after forty years' service. L. 1906, Ch. 252.

To pension policemen after act accepted. L. 1906, Ch. 299.

To pension widow of veteran after 25 years' service. L. 1907, Ch. 16.

Publish—Tax list and valuations. L. 1908, Ch. 276.

Removal of Snow—To provide for removal of snow, ice, grass, weeds, etc. L. 1904, Ch. 125.

Sell Unsuitable Lands—To sell unsuitable lands. L. 1903, Ch. 111.

Sewers—To build enlarged and additional sewers. L. 1902, Ch. 265.

To build outlet sewers, pumping station, disposal works, etc. L. 1902, Ch. 124, as am'd by L. 1903, Ch. 237; and to condemn lands, etc., for that purpose, L. 1906, Ch. 293. See L. 1907, Ch. 285, and 79 and 227.

To compel connection with sewers and assess cost against property. L. 1908, Ch. 261.

Shade Trees—To appoint commissioners of. L. 1907, Ch. 156; L. 1908, Ch. 221.

Streets—To pave streets forming boundary between municipalities. L. 1902, Ch. 111.

To consent to street railroads carrying freight. L. 1906, Ch. 77.

Ordinances—How proven and how enforced. L. 1907, Ch. 194.

Sprinkling—To provide for sprinkling of streets, etc., with water, oil, etc. L. 1908, Ch. 26.

Tax—To tax county lands. L. 1907, Ch. 220.

To improve any street and assess up to 25 per cent. of cost on adjoining lands. L. 1908, Ch. 142.

To include in tax levy the rentals for fire hydrants. L. 1903, Ch. 138.

*To tax street railroads. L. 1906, Ch. 290.

Town Hall—To spend \$100,000 for, after referendum. L. 1907, Ch. 168.

Vacate—To vacate unopened and unused streets. L. 1906, Ch. 254; L. 1907, Ch. 22.

To vacate public easements. L. 1904, Ch. 205.

An ordinance of a municipality passed under the provisions of an act of the legislature (Pamph. L. 1904, p. 365), relative to the vacation of land dedicated or devoted to public use, which contains terms that can only be made effective by infringing upon private rights, will be set aside.

Ocean City Land Co. v. Ocean City, et al., 73 N. J. L. 493

Volunteer—To pay volunteer firemen. L. 1905, Ch. 175.

Ward Lines—To establish ward lines. L. 1902, Ch. 60.

48. That the council shall have power by ordinance to regulate the use of the streets of the town by street railway companies; to require such companies to lay and confine their tracks according to such grades of the street as may from time to time be established by the council; to keep that portion of the street lying between the rails paved and in good repair, also to keep the street to the extent of eighteen inches beyond the rails in good repair and on a level with the rails; to keep their tracks free from snow and ice and compel the removal of the same from the streets; and to provide a penalty not exceeding fifty dollars for every violation of such ordinance.

49. That in case the boundary line between any town formed under this act and any other municipality shall be one of the extreme lines of a street or road, such street or road being wholly within such town, it shall be lawful for the council of such town to pass ordinances regulating the use of such street or road by the owners or occupants of property in such other municipality adjoining such street or road, and to provide penalties for the violation of such ordinance not exceeding ten dollars fine; and it shall be lawful for any constable or policeman of such town to execute any process issued by the recorder for the violation of any such ordinance within the territorial limits of such other adjoining municipality.

50. That the council shall have power by ordinance to provide for, establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation; *provided*, that such police force (excluding officers) shall not exceed more than one policeman to every eight hundred inhabitants; and *provided further*, that no policeman or police officer shall be removed except for neglect of duty, misbehavior, incompetency or inability to serve. *

51. That the council shall have full power to enact and pass such

and so many other ordinances or by-laws for the peace, good government, order, welfare and convenience of the town as they may deem necessary, proper and expedient, not repugnant to this act or to the constitution of this State or of the United States.

52. [*As am'd by L. 1902, Ch. 123.*] The Council shall have power to pass ordinances appropriating and providing for raising by taxation moneys for the following purposes:

- I. *For lighting the streets of the town;*
- II. *For the support of the police department;*
- III. *For the maintenance of the fire department;*
- IV. *For regulating, cleaning and keeping in repair streets and highways;*
- V. *For repairs to public buildings;*
- VI. *For relief of the poor;*
- VII. *For water for the extinguishment of fires;*
- VIII. *For the payment of interest upon the debt of the town and such part of the principal as shall from time to time become due and payable;*
- IX. *For the sinking fund required to be raised;*
- X. *For the general and incidental expenses of the town, including the printing and publication of minutes of council, ordinances and such other matters required by law to be published;*
- XI. *For the support of public schools.*

And no appropriation shall be made or ordered for any other purpose, except by a majority of the voters of the town voting at an annual town election.

Council may appropriate up to \$20,000 for opening, etc., streets. L. 1908, Ch. 137.

[Power to raise money for fire hydrant rental, L. 1903, Ch. 138; for garbage and ashes disposal, L. 1903, Ch. 45; contribute to soldiers' monuments, L. 1905, Ch. 71; and see note to Sec. 51.]

53. That the council shall have power to provide for the lighting of the streets, avenues and public places of the town, in such places as they in their judgment may deem necessary.

54. That the council shall have power to provide for a supply of pure and wholesome water to the inhabitants, and for extinguish-

ing fires, by contract, either with private corporations or with adjoining municipalities owning or controlling water works; and the council shall have power to fix and determine the terms and conditions upon which private companies may lay their mains or pipes in the streets of the town.

[Additional bonds may be issued; L. 1902, Ch. 82. Consent of town with designation of streets where pipes shall be laid; L. 1903, Ch. 154. Council may extend water works and issue bonds not exceeding \$5,000 per year; L. 1906, Ch. 216. Consent may be to individual incorporators of proposed company. L. 1906, Ch. 69.]

55. That the council shall have power to designate an official newspaper in which all advertisements and notices required by law to be published shall be published.

56. That the council shall have power to borrow money temporarily, in the name of the town, in anticipation of appropriated revenues, not exceeding in amount one-half of such anticipated revenues. [*But see L. 1906, Ch. 315, fol'g.*]

[Town may borrow for expenses of commissioners of adjustment. L. 1902, Ch. 193.]

57. That the council shall have power at any time to direct a special election to fill any vacancy that may occur in their own body.

[May fill vacancies in all elective offices. L. 1905, Ch. 13; see L. 1905, Ch. 3.]

58. That the council may require the owners or occupants of any parcel of land fronting on any improved street to keep the sidewalks, flagging, curbs and gutters in front of such land in good repair, and if in any case, after reasonable notice, such repairs be not done by such owner or occupant, the council may have the same done, and the expense thereof, with interest and costs, may be recovered by the council by suit in the name of the town against such owner as for so much money due for labor performed and material furnished by said town for such owner or occupant, at his request, or may be assessed as a tax on such lot, and shall be a lien thereon, and be collected as other taxes are collected.

59. That the town council shall appoint three discreet persons, residents and freeholders of the town, to be commissioners of assessment, and who shall hold their offices for three years, except as hereinafter provided; the said commissioners shall make all assessments for improvements of every kind under this act; *provided*,

that if any of the said commissioners shall be interested in the matter of any such assessments, the council shall appoint some discreet and impartial freeholder or freeholders, resident in said town, to act in regard to such assessment in lieu of the commissioner or commissioners interested therein as aforesaid; and every report of assessments made by commissioners of assessment shall be accompanied by the oath or affirmation of each commissioner making the same that he is not interested, directly or indirectly, in the matter of the assessment, and that he has performed his duties in relation thereto honestly, faithfully and impartially, to the best of his ability, skill and understanding, which oath or affirmation the clerk of said town is hereby authorized to administer; and the first commissioners appointed under this act shall determine among themselves by lot which of them shall serve for one, two and three years respectively, and thereafter annually one commissioner shall be appointed to serve for the full term of three years.

60. That the council shall have power and they are hereby authorized by ordinance—

To lay out, open, straighten, widen and extend any street, avenue or highway, or any part or section thereof, and to take and appropriate for such purpose any necessary lands and real estate upon making compensation to the owners thereof as hereinafter provided; to provide for grading and altering the grade of streets and avenues in the town, and filling, macadamizing, guttering, curbing, bridging, planking, graveling, paving and repairing the same; to make and adopt a general plan of sewerage and drainage for such town or any section thereof, conformably to which all sewers, drains, receiving basins and all other appurtenances of public drainage shall be made; to provide for the building and constructing of public sewers and drains, and for taking land and real estate for building the same and for acquiring an outlet for sewers over and through lands in adjoining municipalities; *provided*, that the consent of such adjoining municipality and of such other municipality (if any) as may in any manner be affected by such outlet shall be to that end first obtained; *provided, however*, that no ordinance for any of such purposes shall be passed except in the manner hereinafter stated and unless it shall receive the votes of two-thirds of the members of the council; *and*

provided further, that any such ordinance may be introduced and passed at the same stated meeting of the council.

For power to institute proceeding by unanimous vote, see L. 1901, Ch. 40, as am'd by L. 1904, Ch. 131.

Where a statute requires the "unanimous vote of all the members of the council" to pass an ordinance, that does not mean the unanimous vote of a quorum, or of all the members present, but of all the members constituting the whole council.

Crickenberger v. The Town of Westfield, 71 N. J. L. 467.

For powers *re* change of grade and rights to damages resulting, see L. 1905, Ch. 225, and L. 1906, Ch. 178.

Re-improvements may be made instead of repairs. L. 1907, Ch. 115; see also L. 1908, Ch. 61.

For power to institute proceeding for underground or storm drain or culvert see L. 1906, Ch. 21..

61. [*As amended by Laws of 1899, Chapter 154.*] Streets or sections of streets may be laid out, opened, straightened, extended, widened or otherwise changed, as to their boundaries, in the following manner, and not otherwise: A petition in writing setting forth the improvement desired, and that the signers thereof are owners of land situate within the town which shall be specially benefited by the proposed improvement, shall be presented to the council at a stated meeting thereof, if the council favors the proposed improvement, and if in its judgment the petition is signed by the owners of land situate within the town which will be specially benefited by the improvement petitioned for, it may, at any stated meeting, adopt a resolution declaring that it favors the improvement petitioned for, and that in its judgment the persons signing the petition are owners of lands situate within the town which will be specially benefited by the improvement petitioned for, and referring it to the commissioners of assessment, who shall proceed thereon in the manner hereinafter directed; said resolution shall also require the petitioners to deposit with the town treasurer such sum of money (to be therein stated) as the council shall deem necessary to cover the costs and expense incurred by the town if such an ordinance for such improvement shall not be thereafter adopted, which sum shall in such case be applied to the payment of such costs and expenses, and the excess, if any, shall be returned to the person or persons depositing the same; and in case an ordinance for such improvement shall be thereafter adopted such sum shall be returned in full, without

interest, to the person or persons depositing the same, and the said commissioners of assessment shall not proceed in said matter until the town treasurer shall have certified to them that the sum specified in said resolution shall have been deposited with him; the commissioners of assessment shall be assisted in such manner as they shall require by a town surveyor, not interested in the improvement petitioned for, who shall be appointed for that purpose by the town council; the said commissioners shall make or cause to be made a map or maps showing all the lands, real estate and improvements to be taken for the proposed improvement and all the lots and parcels of land within the town which in the judgment of said commissioners will be specially benefited thereby, designating each lot and parcel on said map by a letter or number; said commissioners shall also ascertain, so far as practicable, the name of the owners of said real estate to be taken and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estates are not known, they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken and the damage to be done to such owner by taking the same; and where the estates in any plot of land are unknown they shall appraise the value of or the damage done to the fee-simple; said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, required to be taken on account of said improvement, and shall also determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the land to be specially benefited, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained and of the appraisements, estimates, determination and assessments made by them concerning said improvement, and shall present such report and their map to the council at a stated meeting thereof, which body shall then or at a stated meeting to be held thereafter, fix a time and place when and where it will meet to consider all objections in writing to said report or to the proposed improvement, shall cause a notice of the filing of said map and report to be printed in the official newspaper in the town, or, if there be

none, in a newspaper published in the county and circulating in the town, for two weeks successively next preceding the said time fixed by the council, at least once in each week, which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the council will meet to hear and consider any objections to said report or to the improvement, which may be presented in writing; said clerk shall also post copies of such notice in five public places of the town at least ten days prior to the said time fixed by the council for the hearing of objections, and shall also, at least five days prior to said time, serve a copy of such notice upon resident owners of real estate affected thereby, but the omission of the clerk to serve such notice shall not invalidate any of said proceedings; and all objections at such time and place presented in writing, the council shall consider and adjudicate upon, and the council may alter, amend, adjust, increase or diminish any award without further or other notice to the person or persons interested therein; *provided, however*, that no resolution, altering, amending, adjusting, increasing or diminishing any award or awards shall be passed or adopted except by or upon the affirmative votes of at least two-thirds of all the members of the council, nor shall any such resolution be passed or adopted at any other than a stated meeting; if the said council shall then determine to make said improvement, notwithstanding any objections to the same, the said council shall confirm said awards, as altered, amended, adjusted, increased or diminished, and pass an ordinance ordering said improvement to be made and completed in such manner as said council may direct, under the supervision of said commissioners of assessments; provided the said council shall not proceed to make any such improvement if the owners of the property subject to more than two-thirds of the assessment for the improvement shall remonstrate against the same being made; the said council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken and damages sustained in making said improvement, and upon the passage of such resolution the fee-simple of said real estate to be taken shall be vested in the town; *provided*, that where the commissioners shall have reported the name or estates of the owners

of any plot as unknown the said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear, and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed or in whole or in part paid over to him as law and justice may require, after the completion of said improvement, the said commissioners shall ascertain and determine the actual net cost thereof, and shall assess, as hereinafter provided, such actual net cost upon the lands especially benefited in proportion to the benefits received.

[For procedure to vacate streets, parks and public places by vote of the people, see following: L. 1904, Ch. 205: Streets (1) not opened, graded or improved, or (2) not used as a public thoroughfare for 2 years, may be vacated on petition by ordinance by two-thirds vote of council. L. 1906, Ch. 254. Any street, alley or public place dedicated by owner and not accepted by town may be vacated by council on petition of owners of all lands fronting thereon. L. 1907, Ch. 22.]

62. That whenever, by the report and map of the said commissioners, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award exceed the assessment, only so much of the award as is in excess shall be paid, and the resolution of the council ordering the awards to be paid shall be framed accordingly; and when the amount to be assessed shall be finally determined such amount shall be set off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the assessment shall be canceled, and such excess only shall be paid to the person to whom the award is made; and if the amount of the assessment be in excess, the award unpaid shall be canceled, and such excess only shall be a lien upon the property assessed; the rest of the award or assessment, as the case may be, being also canceled.

63. That whenever any person who shall have presented objections as aforesaid to an award, shall be dissatisfied with the determination of the council, thereupon such person may commence an action on contract against the said town in the circuit court of the county, or in the supreme court of this state (*provided*, that the trial shall be had in the county in which such town is located), which action shall proceed in all things as if such town

had, upon taking the real estate required for the said improvement, agreed in writing to pay therefor the value thereof and the damage done by taking the same; and if in said action the plaintiff shall recover more than the amount awarded as aforesaid, he shall recover his taxable costs according to law; and if he shall not recover more than the amount awarded, then the defendant shall recover his taxable costs against the plaintiff, and shall be entitled to have them deducted from the amount recovered by the plaintiff, and execution shall issue only for the balance, the assessment (if any) against the plaintiff being also deducted from the amount of the judgment; *provided, always*, that no such action shall be brought by any person who may have received payment of the amount awarded, nor unless notice that such action will be brought be filed with the clerk of said council within sixty days after the confirmation of the award, nor unless such action be commenced within six months after such confirmation; *provided, further*, that the judge of the said circuit court may, upon petition for good cause shown, and upon such terms as he may direct, dispense with either or all of the provisions in the last proviso contained.

64. [*As am'd by L. 1906, Ch. 180.*] *Any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered, or have a sidewalk of any material constructed thereon, or be otherwise improved, as hereinbefore provided, in the following manner, namely, on the petition in writing to the council by the owners of one-sixth of the lands fronting on the street or section of street proposed to be improved, or upon like petition of ten freeholders, the council shall, by resolution, direct the town clerk to advertise such application or petition and the notice hereinafter provided for, for at least two weeks, one in each week successively, in the official paper of the town, or if there be none, in one or more newspapers published in the county and circulating in the town, and to post copies of the said petition and notice in five public places in the town, designated by the council, at least ten days prior to the time fixed for the hearing of objections to such improvement; the clerk shall also publish and post as aforesaid, with the petition, a notice signed by him, stating that objections in writing to said proposed improvement shall be filed with him and designating the time and place when and where the town council will meet to consider such objections, which time shall not be less than ten days after the date of the first publication of such*

petition and notice as aforesaid; and the said clerk shall also serve like notice on the owners of property residing along the street or section of street so proposed to be improved, at least five days before the time designated in said notice; provided, however, that no assessment shall be set aside or affected by reason of the failure of said clerk to serve such notice; and at or before the time named in such notice the said clerk shall file in his office affidavits showing that such petition and notice have been published and posted as herein required; at the time named in such notice the council shall proceed to consider such objections as shall have been presented, and if it appear that the owners of one-half of the land fronting on such proposed improvement have objected thereto, such improvement shall not be made and all costs and expenses incurred in such proceedings shall be paid by the petitioners, to secure which the council shall in all cases require a deposit of fifty dollars before receiving any petition; and the council may, in its discretion, determine not to make such improvement; in which case the deposit made by the petitioner or petitioners, less any expense that may have been incurred, shall be returned to him or them; and the defeat of any ordinance for such improvements, introduced before the council, shall be conclusive as to the determination of the council not to make such improvement; at any time after the time named in said notice for objections, the council may proceed to pass an ordinance for such improvement, and such ordinance shall be valid if it describes in general language the improvement required to be made and done, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the town clerk shall publish and post such ordinance in the same manner and for the same time he is required to publish and post the petition for the improvement described therein; and he shall file in his office an affidavit showing that such ordinance has been duly published and posted; at any time after the passage of such ordinance the council may require the clerk to advertise for proposals for doing the work of and furnishing the materials necessary for such improvement in the official paper of the town, and in such other newspapers as shall be designated by the council, which proposals shall be presented in such form and manner and under such regulations as the council shall prescribe; upon the coming in of such proposals the council may enter into contract with the lowest responsible bidders on the terms of their proposals; provided, however, that the council may reject all bids if

they deem it for the interest of the town so to do, in which case they shall again advertise for proposals and shall proceed in all things as if no proposal had been offered; and the council shall require the person or persons so entering into contract with the town to give bonds with ample freehold security for the due performance thereof.

Assessments may be laid afterwards upon lands not originally specially benefited. L. 1907, Ch. 129.

Council may institute a proceeding by unanimous vote in lieu of petition called for by Sec. 64, but ordinance for the improvement must also receive unanimous vote. L. 1904, Ch. 131.

65. That sewers may be built and constructed in any of the streets of the town under the control of the town authorities on the petition of owners of one-sixth of the lands adjoining the proposed route of the sewer; and the proceedings, after receiving such petition, shall be in all respects the same as are hereinbefore set forth for flagging and grading of streets, and all the provisions of this act relating to flagging and grading of streets shall be applicable to proceedings for the construction of sewers, except as modified in and by this section.

See L. 1906, Ch. 21.

66. That the council may appoint an inspector over the work and materials on any sewer or street improvement and may fix his compensation; the amount of such compensation shall be included in and form part of the cost of the improvement.

67. That before the council accept any work on any sewer or street improvement, or any final payment be made to the contractor, the council shall publish as aforesaid a notice stating when the council shall meet to receive and consider objections in writing to the work and materials done and used in such improvement, and if any such objections shall appear to be well founded, the council shall take such action thereon as in their judgment the interests of the town shall require.

68. That where it shall be necessary in the construction of any public sewer to take or use private property for that purpose the council shall have power to provide, in the ordinance for the building or constructing of any such sewer, for the taking of such private property as is necessary; for that purpose the damages and awards to be made for lands so taken shall be determined and made by the commissioners of assessment, who shall report the

same to the council, and thereafter the proceedings shall be the same in all respects as are hereinbefore provided for opening of streets.

Council may compel house connection with sewers and assess cost against property. L. 1908, Ch. 261.

69. That where any town shall be so situated that it shall have no immediate outlet for sewerage except through adjoining municipalities or by connections with sewers existing or contemplated to be built in adjoining municipalities, it shall be lawful for the town council of the town and the governing body of such adjoining municipality to enter into contract for the payment of a sum in gross by such town for the right to connect with any sewer or sewers in such adjoining municipality, and the amount of such contract price shall be included in the costs of making the sewer in and through such town which it is proposed so to connect with the sewer in the adjoining municipality and shall be assessed in the manner hereinafter directed as if such contract price were a portion of the cost of wholly constructing the sewer within the territorial limits of the town.

70. That the council shall have power to issue improvement certificates, payable within one year or less with interest, to the amount of eighty per centum of the work done on any street, sewer or other public improvement when certified as correct by the engineer in charge of the work; and when the contract is fully completed and the work is accepted, the town council may issue a certificate for an additional fifteen per centum of said work done, and in not less than three nor more than six months after the date of the acceptance of the work may issue a final certificate for the balance due, unless some errors or defects in the work shall have appeared, in which case the certificate shall be withheld until the defect or errors are rectified to the satisfaction of the council.

71. That the cost and expense of widening, opening or extending any street, and after the completion thereof the whole cost of any street, sewer or other public improvement, shall be ascertained and determined by the commissioners of assessment, and such cost and expense shall, so far as the same can be, be assessed upon the land and real estate specially benefited by the improvement, in proportion to the benefit received; and no lot or parcel of land shall be assessed more than it is so specially benefited; and if the total

cost of any improvement shall exceed the aggregate assessable special benefits, the excess shall be borne and paid by the town at large; the commissioners shall file their report with the town clerk, which shall be accompanied by a map showing what lots and parcels of land are specially benefited by the improvement, the amount assessed as special benefits upon each lot or parcel of land, and the names of the owners of the several lots and parcels of land assessed, so far as the commissioners can ascertain the same, and the amount, if any, of the excess of the cost of the improvement over the aggregate assessable special benefits; but no assessment shall be deemed defective by reason of any mistake in the names of the owners of lands assessed, or omitting the said names or any of them; the clerk shall publish and post notices in the same way and manner hereinbefore prescribed for publishing and posting the petition for the improvement and its accompanying notice, stating that the map and report of the commissioners have been filed in his office, and that the council will consider any objections to such report, map and assessment presented in writing on or before a day named in such notice to be fixed by the town council, which day shall be at least ten days after the first publication of such notices; after considering such report, map and assessment, and such objections as may have been presented against the same, the said council may confirm the said report, map and assessment, or if deemed necessary may return the same to the commissioners for revision and correction, who shall return the same corrected and revised without unnecessary delay; and thereafter the council may, without further notice, confirm the said report, assessment and map.

72. That no certiorari, injunction or other writ or process shall be allowed or granted to set aside any ordinance for any improvement after the contract therefor shall have been awarded by the council of the town; and no certiorari, injunction or other writ or process shall be allowed or granted to set aside any assessment made for any sewer or street improvement of any kind after thirty days shall have elapsed from the date of the confirmation of such assessment by the council of such town.

On certiorari the court shall determine questions of fact as well as of law. Depositions may be taken. Inadvertent omissions in return may be supplied. Where assessment set aside, court may fix true assessment. L. 1903, Ch. 174. Secs. 11-13.

The general act relating to boroughs (Pamph. L. 1897, p. 285) provides a com-

plete scheme for the government of boroughs and supersedes special charters.

Boroughs no longer have the power to license inns and taverns, although that power may have been given them by their special charters.

Smith v. The Borough of Hightstown, 71 N. J. L. 276.

If a bond be required by law to be given on the allowance of a certiorari for the protection of the defendant in certiorari in case the proceedings below be affirmed, the court may, in its discretion, deny an application, presented on final hearing, for the dismissal of the writ because such a bond was not given.

Whatever the style of action, a summary conviction by an inferior magistrate on a penal statute or ordinance cannot be supported, unless a record thereof be made showing all the requisites of a legal trial and conviction.

City of Orange v. McGonnell, 71 N. J. L. 418.

A municipal ordinance directing that a street be paved and the cost assessed upon property benefited is a judicial act, and it is essential to its validity that notice be given and an opportunity for hearing afforded to property owners liable to be affected thereby, although the city charter does not expressly require such notice.

A notice of hearing before commissioners to assess benefits after the completion of the improvement does not suffice.

Sears v. Atlantic City, 72 N. J. L. 435.

On cases of certiorari, in which the Supreme Court is empowered to determine disputed questions of fact as well as of law, under the provisions of section 11 of the revised Certiorari act of 1903, the adjudication of that court on questions of fact is final, and not open to review on writ of error, if there appear facts on which its conclusion could be based.

The Yellow Pine Co. v. The State Board of Assessors, 72 N. J. L. 182.

The state board of assessors have no authority to assess a franchise tax upon a corporation, which neglects or refuses to make the return required by statute, in excess of the capital stock of such corporation actually issued and outstanding. They can only tax that which by law is taxable.

In making the assessment of the annual license fee or franchise tax upon a corporation which has neglected or refused to make return within the time required by law, the state board of assessors is a special statutory tribunal, and its proceedings are subject to review under the certiorari power of this court, and upon such review the court may determine disputed questions of fact.

Trenton Heat and Power Co. v. State Board of Assessors, 73 N. J. L. 370.

Upon a review by certiorari of an assessment for benefits conferred by a street improvement in the town of Boonton, it appearing that the report of the board of assessments to the common council was defective in certain particulars, and it being doubtful whether amendments of the report made by the council to cure such defects were within the powers conferred upon the council by the town charter (Pamphl. L. 1872, p. 812, Sec. 12)—Held, that before determining the cause a rule should be granted under the Certiorari act (Pamphl. L. 1903,

p. 346, Sec. 12) requiring the board of assessors to make certificate to the court concerning such essential matters as were omitted from their report to the council.

Burnett v. The Mayor and Common Council of the Town of Boonton, 73 N. J. L. 453.

73. That the council shall have the power to issue bonds payable in not exceeding ten years, and bearing interest at not exceeding six per centum per annum, to raise moneys to pay for lands taken for opening or extending or widening streets, constructing roads or building sewers, or for the redemption of improvement certificates issued under this act, or to pay any judgment recovered against the town, and the council may likewise issue bonds to run not exceeding ten years, and bearing interest at not exceeding six per centum per annum, as above, to renew such part of the bonded debt of the municipality of which the town is the successor which may become due and payable, and for the payment of which no provisions shall have been made.

74. [*Repealed by L. 1905, Ch. 178, fol'g:*]

1. *The fiscal year of all towns, townships, boroughs, villages and other municipalities, excepting first and second class cities, shall begin on the first day of January of each year and shall terminate on the thirty-first day of December of the same year.*

2. *It shall be the duty of the governing body of all towns, townships, boroughs, villages and other municipalities, excepting first and second class cities, to make and file their various financial reports on the thirty-first day of December of each year.*

75. That all moneys received on redemption of lands from sales for unpaid taxes, and for or on account of arrears of taxes, shall be apportioned to and among the several appropriations for which such taxes were raised, except that the costs of sale and redemption fee shall be paid into the incidental fund, and all moneys received on redemptions of lands from sales for unpaid assessments shall be paid into the sinking fund, excepting costs of sales, which shall be returned to the incidental fund; all unexpended balances remaining at the close of any fiscal year shall be appropriated or transferred or otherwise disposed of as the council in its judgment shall deem proper.

76. That there shall be annually raised by taxation a sum sufficient to pay all interest accruing on the bonded debt during the

fiscal year, and also at least three and one-third per centum of the principal of such bonded debt, excluding therefrom bonds issued for street improvements, which shall be paid into the sinking fund.

77. That all moneys received for licenses, and all other moneys received and not specifically appropriated, shall be paid into the incidental fund.

[Council may by resolution authorize board of health to collect fees for dog licenses; in which case one-half will go to use of board of health and one-half to county society for prevention of cruelty to animals. L. 1902, Ch. 22.]

78. That all taxes and assessments in such town shall bear interest at the rate of seven per centum per annum from the time the same became due and payable.

79. [*Repealed by "Act for the assessment and collection of taxes," L. 1903, Ch. 208.*]

If the tract of land on which are erected the buildings of a corporation used exclusively for charitable purposes be devoted to the same charitable purposes, it is exempt from taxation by force of section 3, subdivision 4, of "An act for the assessment and collection of taxes (Pamph. L. 1903, p. 375), as construed by the Court of Errors and Appeals in *Sisters of Charity v. Chatham*, 23 Vroom, 373.

The *Sisters of Charity of St. Elizabeth v. Thompson*, 72 N. J. L. 426.

Under the "Act relating to certain illegal borough governments, requiring the payment of their debts" (Pamph. L. 1899, p. 534), and the general "Act for the assessment and collection of taxes" (Pamph. L. 1903, p. 394, Secs. 19, 25), when the assessor of the borough has made an assessment of taxes for the purpose of satisfying a judgment against the borough, and has submitted his assessment list and a duplicate thereof to the borough council, it is the duty of the council to examine and revise the assessment list and duplicate, to make such corrections therein as may be found necessary, and to return the corrected duplicate to the assessor.

Performance of this duty will be enforced by mandamus.

Cooper v. The Mayor and Council of the Borough of Cape May Point, 72 N. J. L. 164.

The act of 1900 for the taxation of franchises of persons and corporations using public streets (Pamph. L., p. 502) is constitutional.

The franchise tax imposed by the act of 1900 is in the nature of a license tax, and not a tax upon property.

The franchises to use or occupy public streets which are subject to a franchise tax under the act of 1900 are not subject to a property tax under the General Tax act of 1903. Pamph. L., p. 394.

The clause of paragraph 4, section 3, of the General Tax law of 1903, which declares that "all buildings used exclusively for purposes considered charitable under the common law, with the land whereon the same are erected, and which may be necessary for the fair enjoyment thereof" shall be exempt from taxation,

contains within itself a double limitation with relation to the amount of land to be embraced within its provisions—first, the exemption is limited to the identical tract upon which the building is erected, and second, it is limited to so much of that particular tract as is necessary for the fair enjoyment of the building.

The Sisters of Charity of St. Elizabeth v. Thompson, 73 N. J. L. 699.

The personal property of cemetery associations, consisting of horses, hearses, carriages, agricultural implements, tools and other articles used exclusively in and about their cemeteries and for burials in their cemeteries, are subject to taxation.

Rosedale Cemetery Asso. v. Township of Linden, 73 N. J. L. 421.

An application for allowance of a certiorari to review an assessment of taxes on the ground of irregularities in the procedure of city council in revising the duplicate denied, there being nothing to show that the applicant or his property was not liable to taxation in respect to the purposes for which the taxes in question were assessed, nor that his property was assessed at more than its fair value.

Flaherty v. Atlantic City, 73 N. J. L. 458.

[Assessments for improvements upon lands are payable in ten equal annual instalments. L. 1903, Ch. 206.]

80. *That the board of assessors [as am'd by L. 1899, Ch. 107] shall levy a tax upon every person who owns or has the care of any dog, male or female, as follows: one dollar for each male dog, and three dollars for every female dog, in lieu of the state law, which tax shall be appropriated to the support of the school.*

81. *That the board of assessors shall complete their assessment and present their books to the council for examination by the third Monday in September annually, and the council shall complete their examination of the same by the first Monday in October; immediately thereafter the collector shall give notice as required by section ten of the tax act, and within thirty days thereafter the collector shall make the demand and give the notice as required by section eleven of the tax act, and the day fixed by him for the payment thereof shall not be later than December twentieth.*

82. *[Repealed by school law of 1903.]*

83. *That all general laws and statutes of this state heretofore passed relating to incorporated towns shall be and they are hereby made applicable to any town formed or created under this act, except in so far as the same may be inconsistent with or repugnant to the provisions of this act.*

84. *[As am'd by Laws of 1901, Chapter 115.] All proceedings for opening, widening, extending, grading, regulating and other-*

wise improving streets and avenues, and for the construction of a system of sewerage or drainage, or both, and the making and collecting of assessments for benefits conferred by said improvements which may be pending and remain unfinished and incomplete at the time of the incorporation under or adoption of this act by any town or township, shall be proceeded with and completed and said assessments made and collected under the laws in force at the time such proceedings were commenced and as if such town or township had not become incorporated under this act, and the governing body of a town incorporated under this act shall take all proceedings authorized to be taken by the governing body of the pre-existing town or township, and where the governing body of the pre-existing town or township had authority under the laws in force at the time such proceedings were commenced, to issue bonds for the cost of said improvements or any part thereof, the governing body of the town incorporated under this act shall have like authority to issue like bonds and like authority to provide for the payment thereof, and said bonds shall be executed under the corporate seal of said town, signed by the *mayor* of said town and countersigned by the clerk thereof.

85. That every town government heretofore established, formed under and in accordance with the provisions of the acts of the legislature of this state for the formation and government of towns, which has been in fact constituted, formed and organized substantially in the manner directed by this act, containing within its limits and jurisdiction the population herein required, whether the authority to form such government has been lawfully conferred or not, shall be deemed, held and taken to be a town government created under the provisions of this act; and each and every such government is hereby constituted and made a town government, as fully to all intents and purposes as if the proceeding for the formation of the same had been instituted and the said governments had been formed and established under the provisions of this act; and each and every such town government is hereby perpetuated and continued, and authorized without re-organization or further proceeding, to assume and exercise all the powers, privileges, and franchise herein and hereby conferred upon town governments, organized under the provisions of this act; and that all officers heretofore appointed, chosen or elected in any such town government, shall continue in

office until the expiration of the term or terms for which they were originally appointed or elected, with all the powers and subject to all the duties and responsibilities that are conferred or imposed upon like officers appointed, elected or chosen, or to be appointed, elected or chosen in governments formed and organized under the provisions of this act and that all laws, ordinances, acts and proceedings of every such government heretofore passed, had, done and taken shall have the same force, validity and effect as if they had been passed, had, done and taken by governments formed and organized under and in pursuance of the authority of this act.

SUPPLEMENTAL ACTS.

A Supplement to an Act entitled 'An Act for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five, conferring upon towns formed and established under previous acts of the legislature of this state, the powers, authority and franchises, conferred upon towns organized or to be organized under the act to which this is a supplement, and giving to the acts and proceedings of such towns the force, effect and validity of acts done and proceedings had and taken under the provisions of the act to which this is a supplement.

SEC. 1. That every town government heretofore established, formed under and in accordance with the provisions of the acts of the legislature of this state for the formation and government of towns which has been in fact constituted, formed and organized substantially in the manner directed by the act to which this is a supplement, containing within its limits and jurisdiction the population therein required, whether the authority to form such government has been lawfully conferred or not, shall be deemed, held and taken to be a town government created under the provisions of the act to which this is a supplement; and each and every such government is hereby constituted and made a town government, as fully to all intents and purposes as if the proceedings for the formation of the same had been instituted and the said governments had been formed under the provisions of the act to which this is a supplement; and every such town government is hereby perpetuated and continued and authorized, without reorganization or further proceeding, to assume and exercise all the powers, privileges and franchises conferred upon town governments by the said act to which this is a supplement; and that all officers heretofore appointed, chosen or elected in any such town government shall continue in office until

the expiration of the term or terms for which they were originally appointed or elected with all the powers and subject to all the duties and responsibilities that are conferred upon or imposed upon like officers appointed, elected or chosen or to be appointed, elected or chosen in governments formed and organized under the provisions of the act to which this is a supplement; and that all laws, ordinances, acts and proceedings of every such government heretofore passed, done and taken shall have the same force, validity and effect as if they had been passed, had, done and taken by governments organized under and in pursuance of the authority of the act to which this is a supplement.

Approved March 20, 1895.

LAWS OF 1896, CHAPTER 216.

A further Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In addition to the powers conferred by the act to which this act is a supplement, it shall be lawful for the town council of any town formed or established pursuant to the provisions of said act, if deemed by them best for the interest of the same, or any part thereof, to build and construct one or more main or trunk sewer or sewers in said town, with all necessary appurtenances thereto, to form a part of the general sewerage system of said town, first providing therefor by ordinance, and after due advertisement for bids, making and entering into contract or contracts in the name of said town for the building and construction of said sewers.

2. None of the provisions contained in the act to which this act is a supplement with reference to the construction of sewers and proceedings relating thereto, except as in this act provided, shall be held to apply to the main or trunk sewer or sewers authorized by this act to be built and constructed.

3. In order to raise the costs and expenses agreed to be paid by such town for the construction of said main sewer or sewers,

it shall be lawful for the said town council to issue, if in their judgment expedient, bonds in the corporate name of such town in such amount as may be necessary for that purpose, and all bonds contemplated by this act shall bear interest at the rate of six per centum per annum, shall be payable severally in not more than ten years from their date, and shall not be sold or disposed of for less than par value.

4. The cost and expense of building and constructing said main or trunk sewer or sewers and appurtenances aforesaid, when ascertained, shall be assessed and collected from the property benefited as now provided by law applicable to such town for the assessment of benefits conferred by the construction of sewers and drains.

5. Whenever there has heretofore been constructed by the governing body of any town formed or established under the act to which this act is a supplement, or the township or other municipality of which said town is the successor, any outlet or connecting sewer through adjoining municipalities and forming a part of the sewerage system of such town, said outlet or connecting sewer shall be treated and regarded as parts of the main or trunk sewers constructed within the territory of such town, and all costs and expenses attending the construction of the same, and any sum paid for the privilege of connecting with the sewers of any other municipality, shall for the purpose of assessment be included in and form part of the cost of any main sewer connected therewith to be assessed and collected as now provided by law.

6. This act shall take effect immediately.

Approved May 12, 1896.

Town has power to lay additional and enlarged sewers and issue bonds therefor. L. 1902, Ch. 265.

LAWS OF 1902, CHAPTER 265, PAGE 783.

An Act providing for the enlargement of sewers and for the building of additional or relieving sewers in towns in this state.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. *Whenever the council or other governing body of any town in this state shall, by resolution adopted by the votes of a majority of*

all the members thereof, declare that any sewer or sewers in such town is or are insufficient for the proper sewage or drainage of such town or any part or section thereof, it shall be lawful for such council or governing body at any time thereafter to provide for the enlargement of any sewer or sewers in such town or for the building and construction of such additional or relieving sewers therein as in their judgment may be necessary, and to that end full power and authority is hereby conferred upon such council or governing body to make and adopt maps, plans, specifications and estimates, and to enter into contracts, in the same way and manner that contracts for other public improvements are required by law to be entered into by or on the part of such town, for the building and constructing of such additional or relieving sewers.

2. For the purpose of raising money to pay the cost of building and constructing any such additional or relieving sewer or sewers and the expense connected therewith, the said council or other governing body of such town is hereby authorized and empowered to issue and sell the corporate bonds of such town for an amount not exceeding the amount of such cost and expenses, payable in not more than twenty years from the date thereof, and bearing interest not exceeding the rate of five per centum per annum, payable semi-annually, which bonds may be of such denominations as said council or governing body shall determine, and may be either registered or have coupons attached for the interest for each half year as the purchaser or holder thereof may desire.

3. After the completion of any such additional or relieving sewer or sewers, the commissioners of assessment of such town, or, if there be no such commissioners, then three disinterested commissioners who shall be appointed for that purpose by the council or other governing body thereof and who, before entering upon the discharge of the duties herein imposed upon them, shall make oath that they are freeholders of and residents in the town and are not interested in the sewer or sewers on account of which the assessment is to be made or in the assessment to be made therefor, shall assess so far as practicable, the cost and expense incurred in constructing any such sewer or sewers upon all the lots and parcels of land in such town specially benefited by such sewer or sewers, in proportion to the benefit received, and no lot or parcel of land shall be assessed more than it is so specially benefited; in case the cost and expense of constructing

any such sewer or sewers shall be greater than the total amount of assessable special benefits, the said commissioners shall specify the amount of such excess in their report, and such excess shall be borne and paid by the town at large; the said commissioners shall make a report, in writing, of their assessment to the said council or governing body, which report shall be accompanied by a map showing the several lots and parcels of land assessed on which each of said lots shall be designated by a number and shall set forth in their report, or in a schedule annexed to the same or endorsed on said map the names of the owners of the lots or parcels of land assessed so far as they have been able to ascertain them, and the amount assessed upon each separate lot or parcel of land, and upon the filing of such report and map the said council or governing body shall designate the time and place when and where it will meet to receive objections in writing to the assessment; it shall be the duty of the Town Clerk of such town to publish in the official newspaper of the town, or if there be none, in a newspaper published in the county and circulating in the town, for at least two weeks successively, at least once in each week, a notice stating that the report of the commissioners had been filed with him, and setting forth the time and place appointed by the town council for receiving objections, in writing, to the assessment; said clerk shall also post a copy of said notice in five public places of the town, at least six days prior to the said time fixed for the receiving of objections; the town clerk shall file in his office affidavits of the publication and posting of said notice and the said affidavits shall at all times and in all cases be presumptive evidence of the facts therein stated; any owner or person interested in land assessed may object, in writing, to the assessment, and all objections in writing to the assessment shall be considered by the said council or governing body, and if, in the judgment of said council or governing body, it shall appear that any lot or parcel of land has been assessed more than it is specially benefited, or more than its just proportion of special benefits, the said council or governing body shall have power to reduce the assessment made to such sum as in its judgment will be equitable and just, and to correct the assessment accordingly; after considering all objections the council or other governing body may confirm the assessment as made, or as made and corrected, and from and after the time of confirmation thereof said assessment shall become and be and remain a lien upon

the lands assessed prior and paramount to all other estates and interests therein or encumbrances thereon, and if not paid within thirty days after the date of the confirmation thereof, shall bear interest at the rate of five per centum per annum, to be computed from the date of such confirmation; any assessment levied under authority of the act may be paid in ten equal annual installments, the interest on the balance of the assessment remaining unpaid being payable with each installment; in case any assessment levied under authority of this act shall not be fully paid at the expiration of ten years from the date of the confirmation thereof, it may be enforced by a sale of the lands assessed in the manner provided by law with respect to sales for assessments for other improvements in such town.

4. *The interest on bonds issued under the provisions of this act shall be raised annually by taxation in the same way and manner and by the same officers as taxes for state and county purposes are raised in said town; all moneys received for assessments levied under this act shall be kept, held and applied to and for the redemption of bonds issued under this act.*

5. *This act shall take effect immediately.*

Approved April 22, 1902.

LAWS OF 1905, CHAPTER 23, PAGE 44.

An Act respecting sewers and sewer connections in incorporated towns of this State.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. *In all incorporated towns where sewers are now laid and constructed, or now being laid and constructed, or which may hereafter be laid and constructed in any street or highway of any incorporated town, the common council, board of aldermen or other municipal body charged by law with the construction of such sewers in such incorporated towns, shall have power and authority to build and construct house connections from such sewers proper to the curb line of the lots fronting on the street or streets or highways through which such sewer or sewers shall or may be built, laid or constructed.*

2. *In all incorporated towns where sewers are now laid and con-*

structed in any street or streets, highway or highways, and house connections from such sewers proper to the curb line of the lots fronting on said street or streets, highway or highways, have been made and constructed, and the person or persons making and constructing such house connections have not been paid by the said town or towns, or by any person or persons for the work, labor and material used in the making and constructing such house connections, it shall be lawful for, and the said common council, board of aldermen, or other municipal body, charged with the construction of such sewers in such incorporated town or towns, is hereby authorized and empowered to accept on behalf of such town or towns, the said house connections so built and constructed, and to pay for the same, and upon such payment being made by such town, to the person or persons entitled to receive the same, the said house connections, so built and constructed, shall become and be the property of such town.

3. Said house connections shall be shown on a map, to be prepared by said body or board before the introduction of an ordinance or final resolution providing for the acceptance of or construction of such house connections, which map shall be open to the inspection of the property owners of said town for at least ten days prior to the passing of such ordinance or final resolution providing for the acceptance of or construction of such house connections.

4. The costs and expenses of making and providing such house connections with such sewers shall be charged to and borne by the lots and sub-divisions of lots specially benefited thereby, and shall be assessed against the same in the same manner and by the same authority making assessments for sewers or other public improvements in said incorporated towns; the words "house connections" in this act shall be construed to include connections made or to be made or pipes laid or to be laid between the line of any sewer and the curb line of any street or avenue in which said sewer is laid, whether or not there shall be any house or building upon the property or lot in front of which such connection is or shall be laid.

5. This act shall take effect immediately.

Approved March 10, 1905.

Re construction of trunk and outlet sewers, see L. 1902, Ch. 124 (Sec. 9, am'd by L. 1903, Ch. 237).

Two municipalities may construct sewer jointly. L. 1902, Ch. 12 (Sec. 3, am'd by L. 1903, Ch. 230).

Such municipalities may by contract grant privilege of connecting with joint sewer to other municipalities. L. 1902, Ch. 13.

Power to condemn for such sewer is vested in municipalities jointly contracting. L. 1902, Ch. 14.

Bonds may be issued for such sewer. L. 1904, Ch. 152.

Lands outside of town limits may be purchased or condemned for sewer. L. 1906, Ch. 293.

House connections with sewers may be built and owned by town, and assessed against property. L. 1905, Ch. 23.

LAWS OF 1898, CHAPTER 153.

**A further Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved
March seventh, one thousand eight hundred and ninety-five.**

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. [*Repealed by L. 1903, Ch. 206.*]

2. Whenever any bonds heretofore legally issued by the town, or any bonds which may have been legally issued by the municipality, or any school district thereof, of which such town is the successor, are now due and unpaid or shall hereafter become due, the town council may renew ninety six and two-thirds per centum of said indebtedness or any less part thereof by the issuing and sale of the bonds of such town for that purpose; which bond shall be made payable in not exceeding twenty years from the date of issuing the same, and shall bear interest at a rate not exceeding six per centum per annum, and be issued in such sums as the town council shall by ordinance or resolution determine, and shall be executed under the corporate seal of such town, and be signed by the *mayor* [*as am'd*] and shall have coupons attached for every half year's interest, or may be registered at the option of the purchaser or holder.

3. This act shall take effect immediately.

Approved April 8, 1898.

LAWS OF 1898, CHAPTER 201.

A further Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved
March seventh, one thousand eight hundred and ninety-five.

See 66 N. J. L. 516.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. When ten or more owners of real estate situate on one or more streets or highways of any town shall by petition ask the town council to cause an underground drain or culvert to be constructed along any one or more of the said streets or highways of said town, or parts thereof, then it shall be lawful for said town council, at its discretion, by ordinance, to direct the construction of the same, or any part thereof, of such dimensions of such materials in such manner and under such supervision as the said council may deem fit and proper for the objects petitioned for; but in no case shall any drain or culvert be constructed beyond the limits named in the petition, and no ordinance be finally passed by said town council until the petition upon which said ordinance is founded and the notice hereinafter provided shall have been advertised by the town clerk for at least two weeks, once in each week, successively, in the official newspaper of the town, or, if there be none, in one or more newspapers circulating in the town, and copies of said petition and notice posted in five public places in the town at least ten days prior to the time fixed for the hearing of objections to such improvement; said notice to be signed by the town clerk, stating that objections in writing to said proposed improvements shall be filed with him, and designating the time and place when and where the town council will meet to consider such objections; which time shall not be less than ten days after the date of the first publication of such petition and notice as aforesaid; and that at or before the time named in such notice the said clerk shall file in his office an affidavit showing that such petition and notice have been posted and published as herein required; at the time named in such notice the town council shall proceed to consider such objections, and after hearing the same the said town council may sustain such objections, or in their discretion pass said ordinance;

and all costs and expenses incurred in such proceedings shall be paid by the petitioners, to secure which the town council shall in all cases require a deposit of fifty dollars before receiving said petition, in which case the deposit made by the petitioners, less any expenses that have been incurred, shall be returned to him or them; and that after the final passage of said ordinance it shall be the duty of said town council, by resolution, to instruct the town clerk to advertise for proposals for doing the work of and furnishing the materials necessary for such improvement, in the official newspaper of the town, and in such other newspapers as shall be designated by the town council, which proposals shall be presented in such form and manner and under such regulations as the town council shall prescribe; upon the coming-in of such proposals the town council may enter into contract with the lowest responsible bidder on the terms of their proposals; provided, however, that the town council may reject any or all bids, if they deem it for the interest of the town so to do; in which case they shall again advertise for proposals, and shall proceed in all things as if no proposals had been offered; and the town council shall require the person or persons so entering into contract with the town to give bonds, with ample freehold security, for the due performance thereof.

2. No lands or real estate shall be assessed for any improvement authorized under this act for a greater amount than such lands or real estate shall be specially benefited by such improvement, and in case the whole expense of any such improvement shall exceed the amount assessable for the special benefits received then the balance of such expense shall be paid out of the town treasury; said costs and expenses shall be ascertained and determined by the commissioners of assessment, but no assessment shall be deemed defective by reason of any mistake in the names of the owners of lands assessed, or omitting the said names, or any of them; said commissioners of assessment shall assess each and every owner or owners of land in proper proportion, and in accordance with the provisions of this section, and shall make report thereon, and file with said report a map showing the lots and parcels of land in said town, and the amounts assessed thereon, with the town clerk, who shall publish and post notices in the same way and manner as hereinbefore provided for publishing and posting of petitions for the improvement, and its accompanying notice stating

that the map, report and assessment of the commissioners had been filed in his office, and that the town council will consider any objections to said report, map and assessments presented in writing on or before a day named in said notice, to be fixed by the town council, which day shall be at least ten days after the first publication of such notices; after considering such report, map and assessments, and such objections as may have been presented against the same, the said town council may confirm the said report, map and assessments, or if deemed necessary may return the same to the commissioners of assessment for revision and correction, who shall return the same corrected and revised without unnecessary delay; and thereafter the town council may without further notice confirm the said report, map and assessments.

3. The town council shall have the power to regulate by ordinance in what manner individuals and corporations shall make openings into the culverts and sewers and to enact fines and penalties for injuries done to the same.

4. All acts or parts of acts contrary to the provisions of this act be and the same are hereby repealed.

5. This act shall take effect immediately.

Approved June 13, 1898.

Assessment to pay cost of town sewer.

Seaman v. The City of Camden, 66 N. J. L. 516.

For underground drain construction without petition, see L. 1906, Ch. 21.

LAWS OF 1899, CHAPTER 99.

A Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The recorder of any town incorporated or existing under this act may, in case of his temporary absence from the recorder's court, or inability from any cause to act therein, designate and appoint either a justice of the peace of the county in which such town is situate or an attorney-at-law of the state of New Jersey to act in his stead, and such justice of the peace or attorney-at-law while so

acting shall have, hold, exercise, use or perform any power, privilege, duty, authority or jurisdiction which is or shall be conferred upon or given to said recorder.

2. All writs, precepts and processes issued by the recorder of any town incorporated or existing under the act to which this is a supplement, shall run in and through the county in which the town for which he is appointed is situate, and he may, in any matter pending before him, award writs of subpoena into any county of this state.

3. This act shall take effect immediately.

Approved March 22, 1899.

[Recorder has jurisdiction to enforce ordinances of board of health. L. 1904, Ch. 127.]

LAWS OF 1899, CHAPTER 107.

A Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. In all towns formed or established under the act to which this act is a supplement, it shall be lawful for the council of such town, in its discretion, to pass ordinances or resolutions to take effect therein, for the following purposes, to wit, to provide for a board of assessors to consist of three members, which board shall be created as follows, viz., by the appointment of two of its members by the council of such town upon the nomination of the councilman-at-large and the third member to be elected by the legal voters on a general ticket at the annual election of such town, in the same manner and upon the like public notice as other officers thereof are elected; and only one of which members so appointed shall be selected from the said ward of such town, and shall hold their office for a period of two years, and until their successors are appointed; and the elected member shall hold his office for three years from the date of the election; the first

appointment to be for one year and the other for two years; and all appointments made to fill vacancies to be for the unexpired term only; and in case of the death, resignation, or disability of the elected member, such vacancy shall be filled by the council, in the same manner as the original appointments are made, until the next annual election, when such vacancy shall be filled by the legal voters; such assessors shall receive such salary as the council of such town shall by ordinance prescribe, and shall each give a bond in such amount as the said council may direct, for the faithful performance of their duties; and the said board of assessors shall select one of their number to be clerk thereof, and he shall receive such additional compensation as the council may by ordinance prescribe, which board shall perform the duties now devolving, or which may hereafter devolve by law, upon assessors of taxes or boards, for the assessment of taxes, or commissioners of assessment, in such towns, and the offices of such assessors; such board and such commissioners of assessment now existing in such towns shall be abolished upon the appointment and election of assessors under this act; the said council shall provide an office for said board, which shall be open during such hours for the transaction of business as the said council may direct; such assessors may be removed by the council for cause in the same manner as other officers in such town are elected or appointed pursuant to the provisions of the act to which this act is a supplement.

2. Such board of assessors, subject to the substitution of another person for any member thereof on account of interest as hereinafter provided, shall also have exclusive control and charge of all awards for damages, in the taking, injuring or damaging of lands for public improvements in such town, and shall make all assessments for benefits acquired by any land or lands by reason of such improvement, or by reason of the laying out or opening of any street, road, highway, alley, public park or square, within such town, or the causing of any street, road, highway or alley already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered, widened or extended, or by reason of the laying or constructing of sewers or drains, or the grading, graveling, paving, flagging, macadamizing, planting of shade trees, or otherwise in the improving and regulating of any street or section of a street in such town.

3. Said board of assessors shall complete their assessment of the taxes of such town and present their books to the council for examination by the third Monday in September, annually; and all proceedings for the making of any of the improvements as aforesaid, and for the assessing of damages for the taking, injuring or damaging of any lands by reason thereof, as well as for the assessments of benefits to pay for the cost of the same, shall be the same in all respects as provided in and by the act to which this is a supplement; *provided, however*, that such assessments of damages and benefits, respectively, shall be made by said board of assessors and shall be confirmed in the same manner and upon like notices as provided in and by said act to which this act is a supplement.

4. Such award of damages and assessment of benefits shall be paid and collected in the same manner as is now provided by law for the paying and collecting of any awards or assessments in such town.

5. If any of the said assessors shall be interested in the matter of any award of damages or assessment of benefits, the council shall call upon some discreet and impartial freeholder or freeholders, resident in said town, to act in regard to such award or assessment in lieu of the assessor or assessors interested therein as aforesaid; and every report of awards or assessments shall be accompanied by the oath or affirmation of each assessor making the same, that he is not interested directly or indirectly in the matter of the award or assessment, and that he has performed his duties in relation thereto honestly, faithfully and impartially, to the best of his ability, skill and understanding.

6. This act shall take effect immediately.

Approved March 23, 1899.

LAWS OF 1901, CHAPTER 40.

An Act to amend an Act entitled "A supplement to an Act entitled 'An Act providing for the formation, establishment and government of towns,' approved March seventh, one thousand eight hundred and ninety-five," which supplement was approved March thirty-first, one thousand eight hundred and ninety-seven.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

(See 71 N. J. L. 468.)

1. [*As am'd by L. 1904, Ch. 131.*] *In towns formed or established under the provisions of the act to which this is a supplement, whenever the council shall by resolution adopted by the unanimous vote of all the members of the council, determine that it is to the interest of the town that any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered or have a sidewalk of any material constructed thereon, or be otherwise improved, the council may, of its own motion, initiate a proceeding for the construction of such sidewalk in the manner provided for in section sixty-four of the act to which this is a supplement, except that it shall not be necessary to have presented to the council any petition, either from the owners of one-sixth of the land fronting on the street or section of street proposed to be improved, or of ten freeholders, but such resolution, so adopted by the unanimous vote of all the members of the council, shall take the place of said petition, and it shall not be necessary, in case of such proceedings, to require the deposit of any money to defray costs and expenses incurred in such proceedings, and at any time after the time named in the notice for objections therein provided for, the council may proceed to pass an ordinance for such improvement, notwithstanding the objection of the owners of the land fronting on such proposed improvement; provided, however, that such ordinance shall also be passed by a unanimous vote of all the members of said council.*

2. *The costs and expenses incurred in making any such improvement pursuant to the provisions of this act, shall, when ascertained, be assessed upon the lands and real estate specially benefited by the*

improvement in accordance with the provisions of the act to which this act is a supplement.

3. This act shall be construed to be an addition to the powers already vested in the council by the act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five, and shall not limit or interfere with the power of the council to make such improvements in the manner already prescribed in the act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

4. All acts and parts of acts inconsistent with the provisions hereof shall be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 13, 1901.

LAWS OF 1901, CHAPTER 158.

A Supplement to an Act entitled "An Act for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Hereafter there shall be established in every town in this state now organized or that may hereafter become organized under the provisions of the act to which this is a supplement a board to be designated as "the commissioners of the sinking fund of the town of ——" (specifying the name of the town), which board shall consist of five commissioners, two of whom shall be the town treasurer ex-officio, and the chairman of the committee of the town council having oversight of the finances of the town, ex-officio; the remaining three members shall be appointed by the councilman-at-large, by and with the consent of the town council and of the three commissioners so to be appointed in the first instance, one shall be appointed to hold office for one year, one for

two years, and one for three years from the first day of June succeeding their appointment; and one such commissioner shall be appointed annually thereafter, to hold his office for the term of three years, and to take the place of the commissioner whose term then expires, any vacancy to be filled by appointment for the unexpired term only; each commissioner shall hold office until his successor shall have been appointed and shall have qualified, and shall, before entering upon the discharge of his duties, enter into a bond to the town in the sum of five thousand dollars, with sureties to be approved by the town council, for the honest and faithful discharge of the duties of his office as commissioner of the sinking fund of the town; such bond shall be renewed annually and shall be filed with the town clerk.

2. The commissioners appointed as aforesaid shall be residents and freeholders of the town, and shall serve without salary or other compensation; the board shall organize on the first Monday in June in each year, and shall elect a president and secretary from their number, and shall meet thereafter from time to time as they may deem necessary or advisable; the board first appointed shall meet for organization within one month after such appointment.

3. Such board shall be the lawful custodian of all such moneys as shall be or may have been raised in the town for the purpose of paying off and retiring the bonded indebtedness of the town for which such sinking fund is raised; and it shall be the duty of the said board to loan and invest such funds, and the interest accruing thereon, from time to time, and keep the same loaned and invested at interest in the corporate name of the town in bonds or other obligations of the town, or in the bonds of the United States or of the state of New Jersey, or of any of the cities or counties of this state, and to use the principal or income of such fund, or any portion thereof, for the purpose of paying off and retiring such bonded indebtedness of the town or any portion thereof; it shall be the duty of such commissioners annually on the first day of April, and at such other time or times as they may be required so to do, by resolution of the town council, to furnish and report to the town council of the town a detailed statement of the condition of such sinking fund in their hands and showing all receipts and disbursements and investments on that account since the last preceding accounting, and giving a description of such securities as may be

in their hands, or such funds as they may have loaned or invested, and all expenses necessarily and properly incurred by such commissioners in the discharge of their duties shall be a legitimate debt of the town and be payable out of the town treasury.

4. The town council of such town may, by ordinance, prescribe further duties and responsibilities for such board, and may in the same manner establish rules for the regulation of such board not inconsistent with the provisions of this act.

5. This act shall take effect immediately.

Approved March 22, 1901.

Unexpended balances may be paid into sinking fund. L. 1907, Ch. 249.

LAWS OF 1902, CHAPTER 187, PAGE 619.

An Act authorizing the governing bodies of municipalities, other than cities, to provide, by ordinance, for the official numbering of houses and buildings.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. It shall be lawful for the governing bodies of municipalities in this state, other than cities, to provide, by ordinance, for the official numbering of all houses and buildings within their jurisdiction, and to require the owner, occupant, lessee or party in possession of any building, at his or their own expense, to place thereon, in some conspicuous place, such official number as may be adopted and designated for such building by the said governing body.

2. The expense of all surveys and other works necessary to determine such official numbers, and for carrying into effect any such ordinance, shall be paid by the municipality out of any fund available for that purpose.

3. Any ordinance adopted pursuant hereto may prescribe a penalty, not exceeding fifty dollars, for its violation, which penalty may be recovered by any such municipality in any court of competent jurisdiction.

4. This act shall take effect immediately.

Approved April 8, 1902.

FIRE LIMITS.—LAWS OF 1902, CHAPTER 222, PAGE 675.

An Act to authorize incorporated towns and boroughs of this state to maintain a fire limit therein, and to provide for the proper enforcement thereof.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. In all incorporated towns and boroughs of this state, the mayor and board of aldermen, common council or other legislative or governing body thereof may fix and determine, by ordinance, a fire limit, and that within the limits so fixed and determined no frame building or wooden building, in whole or in part, shall be built or erected; and that they may also in like manner determine the thickness of partition and outside walls of all buildings erected within the said limits after they are so determined; *provided*, that said mayor and board of aldermen, common council or other legislative or governing body may, by resolution, passed by a three-fourths vote of all the members thereof, permit frame or wooden, or partly frame or wooden buildings to be erected within said limits, when the circumstances of the particular case or cases in their judgment require such exception.

2. The mayor and board of aldermen, common council or other legislative or governing body of any incorporated town or borough wherein a fire limit is established under this act, may pass an ordinance or ordinances to prohibit the erection of any such building in such fire limit, and may therein provide for and enforce such prohibition by imposing a fine of not more than Ten Dollars for each and every day that any such prohibited building, whether complete or not, stands or remains within such prescribed limits, and may pass like ordinances and impose a like fine for any building built within such limits contrary to an ordinance relating to the thickness of the partition and outside walls of buildings erected within such limits; such fines and penalties to be enforced by an action or actions to be brought in the corporate name of the incorporated town or borough and in any court of record, against the owner or owners of such building, and that upon judgment or judgments obtained in any such suit the body of the defendant may be taken upon execution, as in action of tort.

3. This act shall take effect immediately.

Approved April 2, 1902.

LAWS OF 1902, CHAPTER 223, PAGE 676.

An Act to regulate the use of wagons, carriages and similar vehicles, and to require uniformity of ordinances affecting the same.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. The several cities, towns, boroughs, villages, townships and other municipalities of this state shall have power to pass ordinances regulating the use of wagons, carriages and similar vehicles on the public streets, highways, squares and parks, within their limits, in accordance with the provisions of this act, that is to say :

I. To require all wagons, carriages and similar vehicles, when in use on such streets, highways, squares or parks, to have a lamp of such illuminating power as to be plainly seen one hundred yards ahead, attached thereto, and kept lighted between one hour after sunset and sunrise.

II. To provide that every violation of any such ordinance shall render the offender subject to a fine not exceeding the sum of five dollars for each offense, and that by such ordinance it shall be provided that the justice, police judge, recorder or other magistrate who may have jurisdiction over such offenses in violation of any such ordinance, may impose such fine in his discretion as he may think proper, not exceeding the sum of five dollars for each offense.

2. Nothing in this act shall apply to a non-resident of any city, town, borough, village, township or other municipality being temporarily in or passing through the same.

3. This act shall take effect immediately.

Approved April 9, 1902.

LAWS OF 1903, CHAPTER 12, PAGE 25.

An Act to amend an Act entitled "An Act to authorize the erection of engine houses and buildings for the protection of fire apparatus and for other municipal purposes in towns of this state, and the purchase of lands whereon to erect said buildings," approved March sixth, one thousand nine hundred.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. Section one of an act entitled "An act to authorize the erection

of engine houses and buildings for the protection of fire apparatus and for other municipal purposes in towns of this state, and the purchase of lands whereon to erect said buildings," is hereby amended so as to read as follows:

1. The common council or other governing body of any incorporated town in this state are hereby authorized and empowered to erect one or more buildings suitable for the use of the fire department of said town and other municipal purposes, and to purchase land whereon to erect said building or buildings; *provided*, that the aggregate cost of said land and of the erection of said building or buildings in such town shall not exceed seventy-five thousand dollars.

2. Section two of said act be amended so as to read as follows:

2. To provide moneys necessary to carry this act into effect the common council or other governing body of any such incorporated town shall have power to issue bonds of such town to an amount not exceeding seventy-five thousand dollars, having not more than twenty years to run and bearing interest at a rate not exceeding five per centum per annum, and to pledge the faith, credit and property of said town for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

3. This act shall take effect immediately.

Approved March 3, 1903.

LAWS 1903, CHAPTER 45, PAGE 70.

Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. That in addition to the powers now possessed by the town council under the provisions of the act to which this is a supplement, the council shall have power by ordinance to provide for the collection, removal, treatment and disposal of ashes and garbage, and to appropriate and provide for raising money by taxation for the said purposes, or any or either of them.

2. This act shall take effect immediately.

Approved March 13, 1903.

LAWS OF 1904, CHAPTER 37, PAGE 59.

A Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In all towns formed or established under the act to which this act is a supplement, or governed under the provisions thereof, the council shall have power to acquire, maintain and make available to the public, parks and open places for public resort and recreation, and shall have power to locate within the limits of said town such public parks and places, and for such purpose shall have power to take in fee, or otherwise, by purchase, gift or devise, lands and rights in land within said town; and may lay out, embellish and maintain the same, and pass ordinances providing for the proper and convenient use thereof by the public.

2. The council shall have power to issue bonds of such town for the purpose of acquiring lands for such public park or parks, and for laying out, constructing and embellishing the same; such bonds shall be designated as "park bonds," shall be of such denomination as the council may determine, and shall bear interest at a rate not to exceed five per centum per annum; the council shall also have power to assess and raise each year a sum of money for the care and maintenance of such park or parks, said amount to be assessed and collected at the same time and in the same manner as other taxes are assessed and collected.

3. In any town as aforesaid, it shall be lawful for the council, in its discretion, to provide for and establish, by ordinance, a board of park commissioners, which said board, when so established, is hereby vested with full power and authority to lay out, construct and embellish such park or parks after the lands therefor shall have been acquired by the council as above provided, and to adopt proper rules and regulations for the use thereof by the public, and to provide for the care and maintenance of the same; the said board, when established, shall have the power, exclusive of the council, to expend the moneys raised for park purposes, other than for the acquirement of the land, whether from the issue and sale of bonds or by taxation,

and all moneys so raised for the purposes aforesaid, except as aforesaid, shall be paid out by the town treasurer upon the warrant of the said board of park commissioners, signed by its president and attested by its secretary, and not otherwise; the said board shall determine what sums may be necessary, in the first instance, for the laying out, construction and embellishment of such park or parks, and thereafter, annually, for the care and maintenance of the same, and shall recommend to council, in writing, the amount so to be raised; in all towns where such board of park commissioners shall have been established as aforesaid the council shall be without power to raise any money for park purposes, either by issue and sale of bonds or by taxation, except upon the recommendation of said board; the sum so raised by the council shall not in any case exceed the sum recommended by the board, but the council shall not be obliged to raise the entire amount so recommended, but may raise a less amount.

4. Such board of park commissioners to be created in pursuance of the foregoing section shall be composed of three members of the council and four freeholders residing in the town not members of the council, all to be appointed by the council upon the nomination of the councilman-at-large; the three members from the council shall hold office for one year, two freeholders shall hold office for one year and two shall hold office for two years, and no more than two of said freeholders shall be appointed from any one ward; the members of any such board of park commissioners shall serve without compensation, and shall select annually from among their own members a president and secretary of the board.

5. This act shall be deemed a public act, and shall take effect immediately; *provided, however*, that this act shall not repeal or affect any other legislation or proceedings for park purposes and for maintaining such parks, and this act is hereby declared to be additional legislation for such purposes.

Approved March 16, 1904.

LAWS OF 1904, CHAPTER 88, PAGE 202.

An Act concerning the distribution of medicinal preparations, advertisements and circulars, and regulating and prohibiting the same.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. It shall be lawful for the common council or other governing body of any city, town, township, borough or other municipality within this state, by ordinance, to regulate and prohibit the distribution, depositing or leaving on the public streets, highways, public places, or on private property, or in any private place or places within any such municipality, any medicine, medicinal preparation or preparation represented to cure ailments or diseases of the body or mind, or any samples thereof, or any advertisements or circulars relating thereto; *provided, however*, that such municipality shall not be authorized to prohibit a delivery of any such article by handing the same to any person above twelve (12) years of age willing to receive the same.

2. It shall be lawful for any such municipality, in and by any such ordinance, to provide for the imposition of a penalty of fifty dollars for any violation thereof.

This act shall take effect immediately.

Approved March 28, 1904.

LAWS OF 1904, CHAPTER 125, PAGE 255.

An Act to provide for the removal of snow, ice, grass, weeds and other impediments from the sidewalks and gutters of streets, avenues and highways in municipalities of this state.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. The board or body having the control and regulation of the use of the streets, avenues, highways and sidewalks in any municipality of this state shall be authorized and empowered to pass, amend

and repeal an ordinance or ordinances requiring the owner, owners, occupant or occupants of premises abutting or bordering upon any street, avenue or highway in such municipality to remove all ice or snow from the sidewalks and gutters of any such street, avenue or highway within eight hours of daylight after the same shall be formed or fall thereon, and all grass, weeds and other impediments within three days after notice to remove the same given by the officer or officers or person or persons having charge of such sidewalks and gutters, and to fix and prescribe reasonable penalties for the violation of such ordinance or ordinances, not to exceed five dollars for each offense.

2. Such board or body may provide in such ordinance or ordinances that in case such snow, ice, grass, weeds or other impediment shall not be removed from such sidewalks or gutters by the owner or owners or occupant or occupants of any premises as provided in such ordinance or ordinances, the same may be removed by or under the direction of the officer or officers or person or persons having charge of such sidewalks and gutters; and the cost thereof, as nearly as can be ascertained, shall be certified to the officer or officers or board or body whose duty it is to assess and levy the taxes of such municipality, and shall thereupon become and be a first and paramount lien upon such premises, and shall be added to, recorded and collected with and in the same manner as the taxes next to be assessed and levied upon such premises.

3. The imposition and collection of the fine imposed by any such ordinance or ordinances shall not bar the right of any municipality to collect the cost of removal of snow, ice, grass, weeds and other impediments in the manner herein authorized, but the remedies shall be cumulative; nothing herein contained shall be held to alter, repeal or effect any ordinance or ordinances of any municipality now passed.

4. This act shall take effect immediately.

Approved March 28, 1904.

LAWS OF 1904, CHAPTER 127, PAGE 258.

An Act giving to recorders and police justices of towns, jurisdiction in actions to enforce ordinances of boards of health.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The recorder or police justice of any town shall have jurisdic-

tion over all actions brought to enforce ordinances passed by the board of health of such town, in the same manner and to the same extent as other actions brought to enforce ordinances passed by the town council of such town.

2. The police officers of all towns are authorized and empowered to serve all papers, processes and orders in actions to enforce ordinances passed by the board of health of said town, in the same manner and to the same extent as they are authorized now to serve papers, processes and orders in actions to enforce ordinances of the town council.

3. All fees, costs, fines and sums of money in all actions to enforce ordinances of the board of health shall be paid over to the town authorities, in the same manner and to the same extent as the same are paid over in actions to enforce ordinances of the town council.

4. This act shall be deemed a public act and shall take effect immediately.

Approved March 28th, 1904.

LAWS OF 1905, CHAP. 164. PAGE 310.

Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved March 7th, 1895.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. Hereafter every councilman-at-large elected and holding office in accordance with the provisions of the act to which this is a supplement shall be officially known and designated as the mayor of _____ (inserting in the blank the name of the town in which he shall be elected and holding office) ; such official shall be designated as herein prescribed in all official documents and instruments of every kind, and shall sign all ordinances, warrants, bonds, notes, contracts and all other official documents and instruments by said title; and at all elections hereafter held in such municipalities candidates for the office heretofore known as councilman-at-large shall be designated and voted for under the title of mayor; *provided*, that nothing herein shall in any

way affect the term of office, powers, duties or emoluments of the officer whose title is hereby changed.

2. This act shall take effect immediately.

Approved April 17, 1905.

FIRE LIMITS.—LAWS OF 1905, CHAPTER 185, PAGE 341.

Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved March 7th, 1895.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. In addition to the powers now given to the council of the towns governed by the act to which this act is a supplement, the town council of every such town shall have power by ordinance to regulate and control the manner of building dwelling houses and all other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, stable or other building, of wood or other combustible material, and to prescribe by ordinance the kind of materials to be used in such construction; to regulate the construction of chimneys and to compel the sweeping thereof; to regulate and require the construction of fire escapes; to regulate the setting up and the construction of furnaces, stoves, boilers, ovens or other things so as to prevent danger from their use; to regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks in said town; to regulate or prohibit the manufacture, sale, storage, keeping or conveying of gunpowder, kerosene, benzine, gasoline, burning fluid, nitro-glycerine, dynamite, camphene, coal oil, spirit gas, petroleum and other dangerous or explosive materials, and the use of candles and lights in barns, stables and other buildings; to appoint an inspector of buildings, and to prescribe his powers and duties; to prevent the occupation or continuance of work upon any building in such town which has been condemned by the inspector of buildings in such town, and to remove or destroy such building at the expense of the owners thereof.

2. This act shall take effect immediately.

Approved April 20, 1905.

LAWS OF 1906, CHAPTER 21, PAGE 34.

An Act to further amend an Act entitled "A supplement to an Act entitled 'An act providing for the formation, establishment and government of towns,' approved March 7, 1895," which supplement was approved March 31, 1897.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. Section one of the act to which this is an amendment is hereby amended so as to read as follows :

1. In towns formed or established under the provisions of the act to which this is a supplement, whenever the council shall by resolution, adopted by the unanimous vote of all the members of the council, determine that it is to the interest of the town that any street, avenue, highway, or section thereof, may be graded, flagged, macadamized, paved, curbed, guttered or have a sidewalk of any material constructed thereon, or have a sewer, underground drain or culvert constructed therein, or be otherwise improved, the council may, of its own motion initiate a proceeding for such grading, flagging, macadamizing, curbing, guttering or the construction of such sidewalk, sewer, underground drain, or culvert, or making such other improvement, in the manner provided for in section sixty-four of the act to which this is a supplement, except that it shall not be necessary to have presented to the council any petition, either from the owners of one-sixth of the land fronting on the street, avenue, highway or section thereof, proposed to be improved, or of ten freeholders; but such resolution, so adopted by the unanimous vote of all the members of the council, shall take the place of such petition, and it shall not be necessary, in case of such proceedings, to require the deposit of any money to defray costs and expenses incurred in such proceedings, and at any time after the time named in the notice for objections therein provided for, the council may proceed to pass an ordinance for such improvement, notwithstanding the objection of the owners of the land fronting on such proposed improvement; *provided, however*, that such ordinance shall also be passed by a unanimous vote of all the members of said council.

2. This act shall take effect immediately.

Approved March 20, 1906.

LAWS OF 1906, CHAPTER 254, PAGE 533.

A Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved March 7th, 1895.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. In addition to the powers heretofore conferred upon the town council of towns organized under the provisions of the act to which this is a supplement, the said council shall have power by ordinance to vacate any street, avenue or highway, or any part or section thereof that has not been opened, graded and improved, or, if opened, graded and improved, has not been used as a public thoroughfare for a period of two years, whenever a petition therefor in writing shall be presented to the council at a stated meeting thereof signed by the owner or owners of all the land abutting upon both sides of the street, avenue or highway, or section thereof, to be vacated, which petition shall be under the seals of the said owners, and duly signed and acknowledged or proved in the manner in which conveyances of land, tenements or hereditaments in the State of New Jersey are required to be acknowledged or proved, and shall contain a release to the said municipality of all rights in said street, or section of a street, as a public highway, and a waiver of all claims for remuneration or damage by reason of the closing of the same. The town council shall then, or at a stated meeting to be held thereafter, fix a time and place, when and where it will meet to consider all objections in writing to the vacation of the street, avenue or highway, or any part or section thereof petitioned for, and shall cause a notice of the presentation of such petition to be printed in the official newspaper in the town, or, if there be none, in a newspaper published in the county and circulating in the town, for two weeks successively next preceding the said time fixed by the council, at least once in each week, which notice shall contain a general description of the vacation proposed, and the object and purpose of the petition presented to the council, and shall state the time and place when and where the council will meet to hear and consider objections to the vacation of any street, avenue or highway, or any part or section thereof, petitioned for which may be presented in writing; and the town clerk shall post copies of such notice in five

public places of the town at least ten days prior to the said time fixed by the council for the hearing of objections; and all objections, at such time and place presented in writing, the council shall consider and adjudicate upon; *provided, however*, that no ordinance for said purpose shall be passed unless it shall receive the votes of two-thirds of the members of the council.

2. This act shall take effect immediately.

Approved May 17, 1906.

LAWS OF 1906, CHAPTER 259, PAGE 541.

An Act to amend a supplement to an act entitled "An Act for protection against mad dogs," approved March 26, 1889.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. The supplement to an act entitled "An act for protection against mad dogs," approved March 26, 1889, be and the same is hereby amended to read as follows:

1. The common council of any incorporated city, town or borough, and the township committee of any township in this state are hereby authorized and empowered to appoint one or more persons in their respective cities, towns, boroughs or townships, with full power and authority to kill any dog, male or female, found running at large without a muzzle, within such cities, towns, boroughs or townships, after a proclamation shall have been issued in pursuance of the first section of the act to which this is a supplement, and such person or persons so appointed shall have full power and authority and they are hereby authorized to kill any dog, male or female, found running at large within their respective cities, towns, boroughs or townships in which such a proclamation shall have been issued, after said proclamation shall have been issued for one day; *provided*, that nothing in this act shall empower or authorize said officers to kill any dog or dogs accompanied by the owner or owners of such dog or dogs.

2. The common council of any incorporated city, town, borough, and the township committee of any township, are hereby authorized to

fix the compensation to be paid to any person or persons appointed as above provided for, and to pay the same out of any moneys in the treasury of such city, town, borough or township.

3. This act shall take effect immediately.

Approved May 17, 1906.

LAWS OF 1907, CHAPTER 22, PAGE 47.

A further Supplement to an Act entitled "An Act to provide for the formation, establishment and government of towns," approved March 7, 1895.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. It shall be lawful for the town council of any town governed by the provisions of the act to which this is a supplement, by ordinance, to vacate any street, road, alley or public place dedicated by the owner of any lands in such town, where such street, road, alley or public place shall not have been lawfully accepted by such town, and shall not have been actually opened, worked and used by the public; *provided*, that there shall first be presented to the town counsel a petition, signed by the owner or owners of all the lands fronting on such street, road, alley or public place so vacated, and upon the passage of such ordinance, all rights of the public in such street, road, alley or public place so vacated shall be forever extinguished.

2. This act shall take effect immediately.

Approved April 1, 1907.

LAWS OF 1907, CHAPTER 194, PAGE 443.

An Act concerning the enforcement of ordinances in incorporated towns.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. The recorder, police justices or other officers having criminal

jurisdiction and who have been or are hereafter appointed by the governing body of any incorporated town, incorporated under any general or special act of the Legislature, are hereby empowered upon oath, affirmation or affidavit, made according to law, that any person or persons has violated any ordinance of the town, to issue process in the nature of a summons or warrant, in his discretion, at the suit of the said town against any person or persons so charged (whether the person so charged be a freeholder in said town or otherwise), which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, in not less than three nor more than five days; such process shall state what ordinance is alleged to have been violated by the defendant, and on the return of such process, or at any time to which the trial may be adjourned, the recorder, police justice or other officer having criminal jurisdiction as aforesaid, shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleading, a copy of the ordinance alleged to have been violated, certified under the hand of the clerk of such town, shall be taken as full and legal proof of the existence of such ordinance, and that all the requirements of law in relation to the ordering, publishing and making of the same have been complied with, unless the contrary be shown; if the said recorder, police justice or other officer having criminal jurisdiction as aforesaid, shall find the defendant guilty, he shall give judgment for the penalty and for such costs as are allowed in the justice's court for the like proceeding; and he shall also, at the same time, and as part of such judgment sentence the defendant, in default of the payment of such judgment and costs, to the town lock-up or county jail, for such period as may be authorized by such ordinance; and if no time be fixed in such ordinance, then for any period not exceeding thirty days, in his discretion; *provided*, in all cases where the fine or penalty shall exceed ten dollars, or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in the court for the trial of small causes.

2. Every conviction for violating a town ordinance had before the recorder, police justice or other officer having criminal jurisdiction as aforesaid, either with or without a jury trial, may be reviewed by appeal to the Court of Common Pleas of the county in the same manner and upon the same terms as appeals are or may be taken from courts for the trial of small causes, and in case the judgment appealed

from shall be imprisonment, the said recorder, police justice or other officer having criminal jurisdiction as aforesaid, or any judge of the Court of Common Pleas may admit to bail the party appealing during the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect on or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defense upon the merits.

3. Every member of the council or board of aldermen during his term of office, and any policeman of said town shall have the power, on witnessing any violation of a town ordinance, to arrest and take into custody, without warrant, the offender or offenders, whether the offender be a freeholder in said town or not, and take the offender or offenders before the recorder, police justice or other officer having criminal jurisdiction as aforesaid, of the town, for a hearing.

6. This act shall take effect immediately.

Approved May 15, 1907.

LAWS OF 1907, CHAPTER 255, PAGE 647.

A Supplement to an Act entitled "A Supplement to 'An Act to regulate the sale of spirituous, vinous, malt and brewed liquors and to repeal an Act entitled "An Act to regulate the sale of intoxicating and brewed liquors," passed March 7, 1888,' approved March 20, 1889," which supplement was approved April 13, 1896.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. It shall not be necessary hereafter for any applicant for a license to keep an inn or tavern or other house of public entertainment to be a resident of the city, town, township or other municipality in which such inn, tavern or other house of public entertainment exists, for at least one year excepting in counties of the first class.

2. All acts and parts of acts inconsistent herewith are repealed, and this act shall take effect immediately.

Passed June 18, 1907.

LAWS OF 1908, CHAPTER 26, PAGE 39.

Supplement to an Act entitled "An Act providing for the formation, establishment and government of towns," approved March 7, 1895, providing for the sprinkling of the streets, avenues, highways and public places, or portions thereof, with water, oil or other liquids to preserve the same and to lay the dust.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The town council of every town organized under the act to which this is a supplement is hereby authorized and empowered by ordinance to provide for the sprinkling with water, oil or other liquid the surface of any street, avenue, highway or public place in such town or portion thereof, for the purpose of preserving the surface of said street, avenue, highway and public place, and of laying the dust thereof.

Provided, however, that before the final passage of any such ordinance public notice shall be given of the consideration thereof on final passage by publication in the official paper of the town by at least one insertion one week before the meeting at which said ordinance shall be finally considered and adopted.

And provided further, that if at such meeting there shall be presented a protest in writing, signed by owners of at least fifty per centum of the real estate fronting on such street, avenue, highway or public street, or portion thereof, to be sprinkled, such ordinance shall not be adopted by the town council.

2. The sprinkling of any street, avenue, highway or public place, or portion thereof, authorized by ordinance passed under the provisions of this act, shall be done by contract, and the cost thereof shall be ascertained and certified by the town council by resolution to the board of assessment of such town on or before the first day of November in each year, which board of assessment shall assess upon the land and real estate fronting on such street, avenue, highway or public place, or portion thereof, such part of the cost of such sprinkling as may represent the special benefits conferred upon such land and real estate by said work.

It shall be the duty of the board of assessment to give notice by publication in the official newspaper of the town by at least one

insertion one week before their meeting of the time and place at which they will meet, consider and determine the assessments to be made hereunder, which meeting may be adjourned from time to time, but not beyond the first day of December in each year.

The board of assessment shall on or before the first day of December in each year certify to the collector of the town the amounts assessed against the lands and real estate benefited by such street sprinkling, and which amount shall be payable on the twentieth day of December of each year and shall be collected by the town collector in the same manner as the taxes for the current year shall be collected by him, and shall be and remain a lien upon such lands and real estate until paid.

3. To defray the cost of such street sprinkling, the town council is authorized to appropriate any moneys raised for the purpose of the maintenance and repair of streets, or any unexpended balances, and if no such money is available is authorized to borrow the necessary money upon temporary obligations of the town.

4. This act shall take effect immediately.

Approved March 25, 1908.

LAWS 1908, CHAPTER 104, PAGE 159.

An Act to amend an Act entitled "A Supplement to an Act entitled 'An Act providing for the formation, establishment and government of towns,' approved March 7, 1895, which Supplement was approved March 16, 1904.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. Section one of the act to which this is an amendment is hereby amended so as to read as follows:

1. In all towns formed or established under the act to which this is a supplement, or governed under the provisions thereof, the council shall have power to acquire, maintain and make available to the public, parks and open places for public resort and recreation, and shall have power to locate within the limits of said town such public parks and places, and for such purpose shall have power to

take in fee, or otherwise, by purchase, lease, gift or devise, or by condemnation proceedings, with the right of appeal from the award of the commissioners, lands and rights in land within said town; and may lay out, embellish and maintain the same, and pass ordinances providing for the proper and convenient use thereof by the public.

Approved April 7, 1908.

LAWS OF 1908, CHAPTER 137, PAGE 206.

An Act relating to the opening, grading, paving, improving and repairing of avenues, streets, alleys and thoroughfares in towns, and the amount of money to be expended therefor in any year.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. It hereafter shall be lawful for any town in this state by its common council, board of aldermen or other governing body, to fix and regulate by resolution the amount of money to be expended in any year for the opening, grading, paving, improving and repairing of avenues, streets, alleys and thoroughfares in such town; *provided*, that the sum to be expended in any one year shall not exceed twenty thousand dollars; *and provided further*, that this act shall not be held to reduce the amount to be expended in any town already fixed or allowed by any other law, whether general or special.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 9, 1908.

LAWS OF 1908, CHAPTER 146, PAGE 221.

An Amendment to an Act entitled "A Supplement to an Act entitled 'An Act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an Act entitled "An Act to regulate the sale of intoxicating and brewed liquors," passed March 7, 1888,' passed March 30, 1889," which supplement was approved March 28, 1895.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Hereafter in all cities, towns, boroughs or townships a license

fee of not less than one hundred dollars shall be paid by every person carrying on within any city, town, borough or township the business of buying beer in quantities and bottling and selling the same when bottled not to be drunk on the premises where sold; *provided, however*, that any person having what is known as a wholesale license for the sale of spirituous, vinous, malt or brewed liquors in quantities from one quart to five gallons not to be drunk on the premises where sold, shall be exempt from the provisions or operations of this act.

2. Section three of said supplemental act be amended so as to read as follows:

3. From and after the expiration of thirty days next succeeding the passage of this act every person, except those mentioned in the proviso of section one of this act, carrying on the business specified in section one of this act without a license for that purpose first had and obtained, as in said section directed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term not exceeding six months or by a fine not exceeding three hundred dollars, or either or both, at the discretion of the court before which said conviction shall be had.

3. This act shall take effect immediately.

Approved April 10, 1908.

LAWS OF 1908, CHAPTER 152, PAGE 230.

An Act relating to the publication of statements of the financial concerns or condition of certain towns in this state.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. From and after the passage of this act in any town in this state, it shall not hereafter be necessary to have published in any newspaper printed and published in said town any monthly statement or statements of the financial concerns and condition of such town; *provided, however*, that a full and complete annual statement of the financial concerns and condition of such town shall be published as heretofore at the end of the fiscal year of such town.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 10, 1908.

LAWS OF 1908, CHAPTER 153, PAGE 230.

An Act authorizing and empowering towns in this State to appoint the assessors of taxes, and regulate the salaries and compensation of such assessors.

Be it enacted by the Senate and General Assembly of the State of New Jersey :

1. From and after the passage of this act, and its acceptance or adoption as herein provided, it shall be lawful for any town by its common council, board of aldermen or other governing body, to appoint one or three assessors of taxes, to appraise and value the property of said town, and assess the taxes throughout the said town.

2. That such assessor or assessors shall be appointed at a regular meeting of such common council, board of aldermen or other governing body, the number to be elected and the salary or compensation to be paid having first been determined by resolution or ordinance of the common council, board of aldermen or other governing body, duly passed and adopted.

That the salary or compensation of such assessor, in case one is appointed for such town, shall not exceed the sum of twelve hundred dollars per annum, and in case three are appointed, the salary or compensation of each shall not exceed the sum of five hundred dollars per annum.

4. The assessor or assessors hereby constituted and hereafter to be appointed under this act shall be instead of and take the place of and perform the duties of any and all other assessors of taxes in such town as may accept or adopt this act, and the terms of office of all assessors of taxes in such town, except those appointed under this act, shall be and are hereby terminated, and ended, upon the expiration of one month after the acceptance or adoption of this act by any town in this state.

5. The term of office of any assessor appointed under this act

shall be three years; *provided, however*, that the term of such as shall be first appointed shall extend from one month after the day of appointment and for three years after the thirty-first day of December next succeeding the date of such appointment.

6. This act shall only become operative in any such town when its provisions are accepted by ordinance of the common council, board of aldermen or other governing body thereof.

7. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 10, 1908.

LAWS OF 1908, CHAPTER 261, PAGE 553.

An Act respecting sewers and sewer connections in towns of this state, and to provide for the payment of the costs of construction thereof.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. In all towns of this state which have or may hereafter have a sewer system, or where sewers are being constructed, the mayor and board of aldermen, or other governing body of such town, shall have power and authority by ordinance to compel owners of property fronting or abutting on any street, highway, lane or avenue, where sewers have been or are being constructed, to construct house connections, of such number, character and location, and within such time as shall be determined upon by them, such house connections to extend from the sewer to the curb line of the lot or plot, and to be of such character, and constructed in such manner as shall be designated in said ordinance.

2. The number and location of house connections to be made shall be shown on a map to be prepared under the direction of the mayor and board of aldermen, or other governing body of such town, and filed with the clerk before the introduction of such ordinance, and such connections shall be specified and designated in said ordinance by reference to said map.

3. In case any property owner shall not comply with the terms

of said ordinance, but shall neglect to make such sewer connections within the time aforesaid, the said mayor and board of aldermen or other governing body of such incorporated town may build and construct the same, and the cost and expense of so doing shall become a lien upon the said property, and collected in the manner hereinafter stated; *provided, however*, that a statement of the amount of such costs and expenses signed by the town clerk shall be filed within thirty days after such connections are made with the county clerk, and recorded by him in the clerk's office of such county. Such costs and expenses shall become a lien on the date of filing said statement in the office of the county clerk, who shall index the same.

4. In case any sewer connection shall be made by such town, as provided for in the third section of this act, one-third of the cost and expense thereof, with interest at the rate of six per centum per annum, shall be payable on demand, as soon as the sewer running through such street, highway, lane or avenue shall be opened and ready for use; one-third thereof with interest as aforesaid shall be due and payable one year thereafter, and the balance of said cost and expense, with interest as aforesaid, in two years thereafter; and upon failure of such owner to pay said installments as they shall become due in manner aforesaid, the amount thereof shall be certified to the collector by the town clerk and collected by him at the same time and manner as taxes are collected. Upon payment, the lien may be satisfied of record in the same way and manner as judgments are discharged of record. Any owner shall have the right at any time to anticipate the payment of any of said installments.

5. In order to defray the costs and expense of making such connection the mayor and board of aldermen or other governing body of such town, may by resolution borrow from time to time such sums as shall be necessary to defray the costs and expenses of so doing, upon the note or notes of such town drawing interest at a rate not exceeding five per cent. per annum, which note or notes so issued as aforesaid may be renewed from time to time as occasion shall require, but shall be paid as fast as the assessments or installments are collected as aforesaid.

6. The word "house connections" in this act shall be construed to include connections to be made by pipes to be laid between the line of any sewer and the curb line of any street, highway, lane or avenue in which such sewer is laid, whether or not there shall be any house

or building upon the property or lot in front of which such connection or connections is or shall be made for the benefit of said property or lot.

7. The power granted and provision contained in this act shall be in extension and not in limitation of the powers already conferred by statute upon towns, and this act shall take effect immediately.

Approved April 14, 1908.

ABSTRACT OF LAWS.

CONTAINED IN COMPILATION OF 1902 AND NOT REPEALED, WITH
ANNOTATIONS AND ADDITIONS.

An act to regulate fees with amendments and supplements thereto following. II General Statutes of New Jersey, 1438 to 1457. A supplement prescribing charge for mileage by certain officers in Laws of 1900, Chapter 171.

Pay of constables. L. 1904, Ch. 154.

Fees and mileage go to county. L. 1907, Ch. 173.

Pay of constables in lieu of fees and mileage. L. 1907, Ch. 238.

Acts authorizing incorporation of telegraph, telephone and electric light companies and regulating the same, with amendments and supplements thereto following. III General Statutes of New Jersey, 3456.

Such corporation may mortgage franchises, etc. L. 1903, Ch. 86.

May be dissolved under Sec. 31 of General Incorporation act (Revision of 1896). L. 1903, Ch. 184.

May increase, etc., capital stock. L. 1905, Ch. 84.

Designation of streets by council must be by ordinance. L. 1906, Ch. 36.

An act to authorize the formation of gas light corporations and regulate the same with amendments and supplements thereto following. II General Statutes of New Jersey, 1608.

An act to authorize the apportionment of taxes, assessments and water rents. III General Statutes of New Jersey, 3393. Amended

in part by III General Statutes of New Jersey, 3394, and by Laws of 1900, Chapter 40.

An act to authorize the corporate authorities of cities and towns to drain meadows and swamp lands lying within their corporate limits. II General Statutes of New Jersey, 2054. Amended in part by Laws of 1899, Chapter 50.

[For additional powers *re* swamp drainage, see L. 1903, Ch. 261, as am'd by L. 1904, Ch. 113.]

Acts concerning and regulating street railways, with amendments and supplements. III General Statutes of New Jersey, 3207.

Franchises in streets shall be for not over 20 years except after referendum. L. 1906, Ch. 36. But provision for referendum above shall not apply to municipalities of second, third or fourth class, except certain cities. No franchise for over 50 years. L. 1907, Ch. 148.

An act authorizing the incorporated cities, towns and townships of the state to renew matured and maturing bonds. II General Statutes of New Jersey, 2225. Amended by Laws of 1898, Chapter 54.

An act to authorize the establishment of free public libraries in towns, etc. II General Statutes of New Jersey, 1956. Amended in part by Laws of 1901, Chapter 84.

Town may accept conditional gift of land or money. L. 1902, Ch. 88.

Town may appropriate money for site and issue bonds. L. 1902, Ch. 230.

But see general library act. L. 1905, Ch. 150.

An act to authorize towns and villages to construct sewers and drains and provide for payment. II General Statutes of New Jersey, 2186. Amended in part by Laws of 1898, Chapter 68.

See L. 1907, Ch. 82.

An act for the protection of public health. II General Statutes of New Jersey, 1677. Amended in part by Laws of 1898, Chapter 101. See Public Health Laws establishing boards of health, etc.,

II General Statutes of New Jersey, 1634, and amendments and supplements following.

Sanitary inspectors to be licensed by state board of health. L. 1903, Ch. 215.

An act providing for outlet sewers and drainage of land where unimproved tracts intervene between town and tide water and for entering into contract with owners of the land for construction of the same. III General Statutes of New Jersey, 3546. Amended by III General Statutes of New Jersey, 3549, III General Statutes of New Jersey, 3550, and III General Statutes of New Jersey, 3551.

A supplemental act providing for construction of additional main lateral sewers when necessary and proceedings thereon. III General Statutes of New Jersey, 3550.

Additional and enlarged sewers may be built and assessed on lands benefited. L. 1902, Ch. 265.

An act to authorize incorporated towns to construct sewers and drains and to provide for the payment of the cost thereof. III General Statutes of New Jersey, 3553.

An act to authorize incorporated towns to construct sewers and drains and to provide for the payment of the costs thereof. III General Statutes of New Jersey, 3556.

See L. 1907, Ch. 82.

An act to enable incorporated towns in this state to obtain a supply of water from existing city water works. III General Statutes of New Jersey, 3558.

An act to enable incorporated towns to construct water works for the extinguishment of fires, and supplying the inhabitants thereof with pure and wholesome water. III General Statutes of New Jersey, 3559. Amended by III General Statutes of New Jersey, 3564, and III General Statutes of New Jersey, 3565.

A further supplement thereto in III General Statutes of New

Jersey, 3564. Amended in part by III General Statutes of New Jersey, 3567, and Laws of 1901, Chapter 11.

An act to authorize the issue of bonds for the erection or rebuilding of public buildings destroyed by fire and purchase of fire apparatus. III General Statutes of New Jersey, 3572.

An act to enable certain municipal corporations of this state to fix the compensation of their recorder. III General Statutes of New Jersey, 3575.

An act to regulate the use of bicycles, tricycles and similar vehicles and to require uniformity of ordinances affecting the same. Laws of 1896, Chapter 8.

All ordinances in any of the cities, towns, boroughs, villages, townships and other municipalities in this state, regulating the use of bicycles and tricycles, must be in conformity with the provisions of an act of the legislature entitled "An act to regulate the use of bicycles, tricycles and similar vehicles, and to require uniformity of ordinances affecting the same," approved March 3d, 1896. Pamph L., p. 21.

Massinger v. The City of Millville, 34 Vr. 123.

An act providing for the appointment of a superintendent of streets in towns of this state having a population of more than fifteen thousand inhabitants. Laws of 1896, Chapter 92.

An act to authorize legal voters of towns to direct a tax for the construction of hard roads. Laws of 1896, Chapter 93.

An act concerning the collection of arrears of taxes and assessments upon lands by towns, borough or townships, and to enforce the payment thereof by sale in fee simple of the lands subject to the lien thereof. Laws of 1896, Chapter 143. Amended in part by Laws of 1897, Chapter 36, and Laws of 1897, Chapter 187.

A supplement regarding publication of notices, service on corporations, etc. Laws of 1899, Chapter 132.

An act respecting arrears of taxes and assessments in towns, etc., and sales for such arrears. Laws of 1896, Chapter 154.

When the Circuit Court has once confirmed a report of commissioners of adjustment under the act of 1898, it cannot subsequently modify or amend the order of confirmation.

Upon certiorari, a general reason is sufficient when the error is apparent on the face of the proceedings.

Borough of Rutherford v. McGinnis, 72 N. J. L. 444.

See L. 1903, Ch. 33; L. 1903, Ch. 258; L. 1904, Ch. 187.

An act authorizing municipalities to pass ordinances for the licensing of dogs. Laws of 1896, Chapter 156. being supplement to Act of March 15, 1893.

Council may authorize collection of license fees by board of health, etc. L. 1902, Ch. 22.

An act to regulate the construction, operation and maintenance of street railways in this state, and providing that the consent of the governing bodies of municipalities be obtained for the construction of street railways and change of motive power. Laws of 1896, Chapter 192.

Acceptance by railway company of ordinance granting right of way for tracks necessary.

Mercer Co. Traction Co. v. United N. J. R. R. & Canal Co., 20 Dick Ch., 575, 580.

When a trolley company has laid down its railway in the streets of a city and has obtained by petition from the governing body an ordinance granting such a right, and fixing the route of the road and the places where the poles are to be located, according to a map accompanying said petition, pursuant to the Street Railway act of 1896 (Pamph. L., p. 29), it cannot afterwards lawfully place or erect its poles at places in the streets different from those so designated.

If it locate one of its said poles in the street at a place upon land not thus fixed and designated, and without the authority of the owner of the fee thereof, it becomes a trespasser, and the owner may have relief by an action of ejectment to recover possession of the land thus occupied by the pole, such possession to be afterwards subject to the public easement.

Moore v. Camden and Trenton Ry. Co., 73 N. J. L. 599.

Consent in writing of the owners of at least one-half in amount of property fronting on a street railway route required are not licenses or concessions granting to the railway company some interest in land or right in the streets.

Currie v. Atlantic City, 37 Vr. 140.

The ordinance will be set aside, it appearing that the company did not obtain

proper consents from the owners of one-half in amount of lineal feet of property fronting on the highway, as required by the statute. Pamph. L. 1896, p. 330.

Orton v. Borough of Metuchen, 37 Vr. 572.

Under the acts regulating the construction and maintenance of street railroads in this state, approved respectively May 16th, 1894, and April 21st, 1896, before the railway company can lay its tracks in the streets of a municipality, it must have the municipal consent and also the consent of a majority in lineal feet of the abutting owners.

Currie v. Atlantic City, 37 Vr. 671.

The mayor and council of a borough chosen under one of the Borough acts repealed by the Borough act of 1896 (Pamph. L., p. 339), and exercising local government at the time of the approval of that act, were thereby authorized to continue such government under the Borough act of 1878 (Gen. Stat., p. 179) until the annual election under said act of 1878, and could in the meantime lawfully proceed under said Street Railway act of 1896. A majority of the council constituted a quorum, and a majority of a quorum could lawfully pass ordinances and resolutions.

State v. The Mayor and Council of the Borough of Belmar, 32 Vr. 443.

Under Pamph. L. 1896, p. 329, the real owner of land in possession may effectually consent to the construction, maintenance and operation of a street railway, although the mere legal title may be vested in another person.

Shepard v. The Mayor and Council of East Orange, 40 Vr. 133.

Consent of owners of land to laying of trolley tracks construed.

Shepard v. The Mayor and Council of East Orange, 41 Vr. 203.

In order to obtain the consents required for the construction of an electric railway in a public street in accordance with the act of April 21st, 1896 (Pamph. L., p. 329), the railway company agreed with an owner of land abutting on the street to give him, for his consent, a valuable option on the purchase of the company's bonds and stock. Held, that the agreement was in violation of the policy established in that statute and could not be enforced.

Montclair Military Academy v. The North Jersey Street Ry. Co., 41 Vr. 229.

Upon an application to the Court of Chancery under the act of March 22d, 1895 (Gen. Stat., p. 2717), to define the mode in which one railroad may cross another, it was incumbent upon the petitioner to show it had lawful power to construct its road.

One of the steps to that end, being an ordinance of the township committee granting permission to the petitioner to construct its road under the Railroad act of 1896 (P. L., p. 329), it was incumbent upon the petitioner to show the jurisdiction of the township to pass such an ordinance.

Mercer Co. Traction Co. v. The United N. J. R. R. and Canal Co., 68 N. J. Eq. 715.

Though under the act of 1893, the consent of the governing body "of the township or county" only need be obtained, the subsequent acts required the consent of

both county and township or other municipality within the territory in which the railroad lines were proposed to be built.

Township of Woodbridge v. Raritan Traction Co., 19 Dick Ch. 169.

By act of 1896 (P. L. of 1896, p. 329), no trolley can be laid upon any highway in a township without the consent of the township committee, and such consent cannot be granted until there shall have been filed with the township clerk the consent, in writing, of the owners of at least one-half in amount, in lineal feet, of property fronting on the highway, which consents shall be executed and acknowledged as are deeds entitled to be recorded.—Held, that consents not recorded were insufficient to confer power upon the committee to grant the statutory permission.

Mercer Co. Traction Co. v. United North Jersey R. R. & Canal Co., 19 Dick Ch. 588.

Street railways may be taxed by town. L. 1906, Ch. 290.

Consent shall be for only 20 years. L. 1906, Ch. 36.

May carry freight only by consent of town. L. 1906, Ch. 77.

An act providing for working, amending, repairing and keeping in order public roads, streets and highways adjoining and forming the boundary line between two municipalities. Laws of 1896, Chapter 200.

[Paving such streets by joint contract. L. 1902, Ch. 111.]

An act concerning the enforcement of the health code and ordinances and regulations of local boards of health by compelling owners of property along the line of sewers to connect their houses, etc., with the sewers. Laws of 1896, Chapter 203.

[Town may own house connections. L. 1905, Ch. 23.]

An act requiring that honorably discharged union soldiers, sailors and marines have preference in the public service of the state and regulating their removal. Laws of 1897, Chapter 65.

The act of March 31st, 1897 (Pamph. L., p. 142), is limited by its title to "the public service of the State of New Jersey." It has no application to the employment of Union veterans in any other branch of the public service.

Conklin v. Jersey City, 38 Vr. 168.

Under its title the Veteran act of March 31st, 1897 (Pamph. L., p. 142), cannot extend to persons not employed "in the public service of the State of New Jersey," and its clauses relating to the cities, counties, towns and villages of the State are inoperative.

Kreigh v. Freeholders of Hudson Co., 33 Vr. 178.

One who by force retains possession of a public office after the expiration of his

term, and against the lawful demand of his legally appointed successor, cannot recover the salary or emoluments attached to the office accruing after such demand.

Blore v. The Bd. of Chosen Freeholders of Union Co., 35 Vr. 262.

Veterans to be pensioned when. L. 1906, Ch. 252.

An act to provide, in incorporated towns, townships and boroughs, for representation and offices in newly created wards by division of an old ward. Laws of 1897, Chapter 102.

Re formation of annexed territory into ward and election district. L. 1903, Ch. 244.

An act to provide for the incorporation of associations for the improvement of public grounds in any city, town, township or borough in this state, and to encourage the development of the material interests of the same. Laws of 1897, Chapter 118.

An act authorizing towns to renew matured and maturing bonds. Laws of 1897, Chapter 125. Amended in part by Laws of 1900, Chapter 2.

An act to authorize municipal corporations owning or controlling water works to make contracts to furnish water for public or private uses, with any adjoining municipality or with any private corporation therein. Laws of 1897, Chapter 128.

Where a municipal corporation, by action *ultra vires* or otherwise, embarks in a scheme which will result in an unlawful expenditure of public funds, any ordinary taxpayer may be admitted to prosecute a *certiorari* to review such action.

Where respondent in *certiorari* does not challenge the status of the prosecutor until the argument of the cause, matters of fact upon which such status depends will be taken as admitted for the purposes of a motion then made for dismissal of the writ.

In Pamph. L. 1897, p. 232, and in Pamph. L. 1897, p. 323, Sec. 76, as amended in Pamph. L. 1899, p. 159, the phrases "any adjoining municipal corporation" and "and adjoining municipality" refer only to municipalities whose corporate territories are contiguous.

Rehill v. The Mayor and Council of the Borough of East Newark,
73 N. J. L. 220.

See L. 1905, Ch. 229; L. 1903, Ch. 154; L. 1906, Ch. 216; L. 1906, Ch. 319; L. 1906, Ch. 68.

An act concerning the qualification of commissioners authorized to assess benefits conferred by the construction of sewers and drains and to provide for majority reports of such commissioners in certain cases in the incorporated towns of this state. Laws of 1897, Chapter 140.

Assessment to pay cost of town sewer.

Butler v. Town of Montclair, 38 Vr. 426, 429.

Towns may construct disposal plants. L. 1905, Ch. 77.

An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns of this state, and imposing and levying a tax, assessment and lien in lieu of such arrearages and to enforce the payment thereof, and to provide appointment of Commissioners of Adjustment on application of the council to the circuit court and for the sale of lands subjected to future taxation and assessment. Laws of 1897, Chapter 196.

An act authorizing towns to issue bonds for the purpose of raising money to pay certain bonds and improvement certificates and interest thereon and judgments recovered thereon heretofore legally issued and now due. Laws of 1898, Chapter 40.

Certiorari to review resolution authorizing issue of bonds by municipality. No peremptory writ of mandamus issued to compel issue.

Jones Co. v. Town of Guttenberg, 37 Vr. 58.

A statute providing for the funding of existing debts for street improvements in incorporated towns, is a general law within the constitution.

Hermann v. Town of Guttenberg, 34 Vr. 616.

An act providing that bicycles, tricycles and similar vehicles may be left as security for appearance after arrest for violation of ordinance regulating the use of bicycles, etc. Laws of 1898, Chapter 47.

An act empowering boards of health in any incorporated municipality in this state to pass and enforce ordinances regulating scavengers. Laws of 1898, Chapter 102.

An act relating to the use of the public streets by electric light, heat and power companies. Laws of 1898, Chapter 197.

An act relating to official searches and certificates as to tax, assessment and other municipal liens providing omissions to be an estoppel and by whom certificates to be made. Laws of 1898, Chapter 205.

An act to authorize the incorporated cities, towns, etc., of the state to borrow money in anticipation of taxes and in anticipation of assessments for public improvements where the work has been begun and where the same have not been confirmed and when bonds have not been sold to pay cost thereof. Laws of 1899, Chapter 21.

See L. 1906, Ch. 315.

An act providing that any attorney or counselor-at-law of the state shall be deemed eligible to the office of attorney or solicitor for any city, corporate town, etc. Laws of 1899, Chapter 26.

An act to authorize two or more municipalities in this state to jointly construct and maintain outlet or trunk sewers. Laws of 1899, Chapter 36.

A supplement thereto validating certain contracts between municipalities in Laws of 1901, Chapter 32.

As to bonds, see L. 1904, Ch. 152.

An act to secure the purity of the public supplies of potable waters in this state, prohibiting pollution of water supply for domestic purposes. Laws of 1899, Chapter 41.

The act of 1899 (P. L. of 1899, p. 73) is not subject to the objection that it is special and local, and therefore unconstitutional, as being a regulation of the internal affairs of towns and counties.

State v. The Diamond Mills Paper Co., 18 Dick Ch. 111.

An act respecting the representation of incorporated towns, in boards of chosen freeholders. Laws of 1899, Chapter 82.

The act of March 22d, 1899 (Pamph. L., p. 203), providing for an increased representation of some incorporated towns in the board of chosen freeholders of

the county in which they are situate did not create a vacancy in a board of chosen freeholders "constituted or elected under the provisions of 'An act to reorganize the boards of chosen freeholders in counties of the first class of this state,' " passed May 16th, 1894. Gen. Stat., p. 422.

Bach v. The Bd. of Chosen Freeholders of the Co. of Hudson,
36 Vr. 522.

An act to provide for the removal by owners or tenants of snow and ice, grass, weeds and other impediments from the sidewalks and gutters of streets and avenues in municipalities of the state. Laws of 1899, Chapter 90.

Above act amplified by L. 1904, Ch. 125.

An act respecting towns and providing for the purchase of water works or a plant for the supplying of pure and wholesome water to the inhabitants of such town for public and domestic uses, and the extension of such water works or plant, and providing for the issue of bonds to pay for such purchase or extension. Laws of 1899, Chapter 95.

See amendments L. 1907, Ch. 207; L. 1908, Ch. 150.

An act authorizing the incorporated cities, towns, townships and boroughs of this state to fund their floating indebtedness and their matured and maturing bonds. Laws of 1899, Chapter 110. Amended in part by Laws of 1901, Chapter 3.

Pamph. L. 1898, p. 160; Pamph. L. 1899, p. 78; Pamph. L. 1902, p. 18) are repealed
sioners, 71 N. J. L. 183, 228, as to legislative authority for issue of bonds.

An act authorizing towns in this state to fix and establish the grades of streets, avenues and public highways therein. Laws of 1899, Chapter 163.

An act relating to the purchase and acquisition by any city, township, town, etc., of the portion of any turnpike road lying within the limits of any such city, town, etc., and to provide the money necessary for the purchase thereof. Laws of 1899, Chapter 191.

An act respecting the employment of mechanics and laborers upon the public work of the state and municipalities within the

same, prohibiting the employment of aliens. Laws of 1899, Chapter 202.

An act to authorize towns, etc., owning or controlling water works to supply dwellers in towns, etc., through which their mains may pass, with water. Laws of 1899, Chapter 206.

Town may vote to issue bonds for waterworks. L. 1902, Ch. 82.

Extensions of. L. 1908, Ch. 150.

Form of municipal consent to water works company. L. 1906, Ch. 68.

An act to authorize the erection of engine houses and buildings for the protection of fire apparatus and for other municipal purposes in towns of the state, and the purchase of lands whereon to erect said buildings. Laws of 1900, Chapter 18.

See L. 1903, Ch. 12, allowing bonds up to \$75,000.

An act to authorize municipalities to raise funds to replace any lost through the failure of banking institutions. Laws of 1900, Chapter 77.

An act to authorize any town in the state to acquire an interest in or a right to use any outlet sewer within its limits and providing for the payment of the costs of acquiring such interest or right, and for the issue of bonds to raise moneys required to make such payment. Laws of 1900, Chapter 164.

An act authorizing certain municipalities to advance moneys to the board of education therein, in anticipation of moneys to be received by such board, and to borrow on temporary loans for the purpose of making such advances and providing for the repayment thereof. Laws of 1901, Chapter 12.

An act to authorize any town or city of this state to enter into contracts with railroad companies whose roads enter their corporate limits, to change or elevate their railroads, and when necessary for that purpose, to vacate, change the grade of, or alter the lines of any streets or highways therein. Laws of 1901, Chapter 63.

Change of grade of street by town or city, etc.

Manufacturers Land and Improvement Co. v. The City of Camden,
71 N. J. L. 490, 491.

See amendment L. 1902, Ch. 129.

An act authorizing additional sums to be raised by taxation for the use of free public libraries. Laws of 1901, Chapter 95.

See General Library act. L. 1905, Ch. 150.

An act to establish an excise department in incorporated towns and cities of the state, providing that the council may appoint a board of excise commissioners. Laws of 1901, Chapter 107.

"An act to establish an excise department in incorporated towns and cities of this state," approved March 21st, 1901 (Pamph. L., p. 239), is not unconstitutional in authorizing the common council to call upon a court to appoint an excise board for the municipality; neither does the excise board so appointed derive its powers by delegation from the council.

Schwarz v. The Mayor, etc., of Dover, 42 N. J. L. 502.

ORDINANCES.

An Ordinance for the Appointment of a Board of Health.

SECTION 1. Be it ordained by the Council of the Town of Montclair, in the County of Essex, that there shall be a Board of Health established in the Town of Montclair, organized in accordance with the provisions of the act of the Legislature of the State of New Jersey entitled "An act to establish in this State a Board of Health and a Bureau of Vital Statistics, and to define their respective powers and duties." Approved March 31, 1887.

SEC. 2. And be it ordained, that said Board shall be composed of five members, citizens of the town, nominated by the Councilman-at-Large, and confirmed by the Council.

That the Councilman-at-Large, at the next regular meeting of the Council after the passage of this ordinance, shall nominate the members of said Board, two of whom shall hold their office until the first Tuesday in June, one thousand eight hundred and ninety-five, two of whom shall hold their office until the first Tuesday in June, one thousand eight hundred and ninety-six, and one shall hold his office until the first Tuesday in June, one thousand eight hundred and ninety-seven. That the Board appointed under this ordinance shall continue in office until the expiration of the terms for which they shall be severally appointed, but the successors in office of all the said five members shall serve for the term of three years each. Provided, that the nomination of persons to fill vacancies shall be for the unexpired term of the retiring member, and that besides death or resignation, a removal from the town shall be considered a vacation of the office by such member.

SEC. 3. And be it ordained, that it shall be the duty of the Councilman-at-Large, at the organization of the Council in May in each year, or at the next regular meeting thereafter, to present

to the Council the nominations of persons for the terms of such members of the Board as will expire on the first Tuesday in June following.

But nominations to fill vacancies shall be made as occasion shall require.

SEC. 4. And be it ordained, that this ordinance shall take effect immediately.

Dated May 7th, 1894.

An Ordinance to License and Regulate Junk Shop Keepers and Junk Dealers.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. [*As am'd Apr. 23, 1906, and Oct. 19, 1908.*] *The Town Clerk shall from time to time, on application, issue a license to any person as a junk dealer or to keep what is commonly called a "junk shop," for the purchase and sale of junk, old rope, old iron, brass, copper, tin, lead or other metals, old bottles and such like; every person receiving such license shall pay to the Town Clerk therefor the sum of twenty-five dollars for the use of the town; provided, however, that no such license shall be issued without the written approval of the chief of police; and provided further, that any such license may be revoked at the option of the Town Council in its discretion.*

SEC. 2. No license to keep a junk shop shall entitle any person to keep the same at or in any other place than that which is mentioned and specified in said license.

SEC. 3. No keeper of a junk shop or any junk dealer shall receive in the line of his or her business any article or thing by way of pledge or pawn, nor shall he or she loan or advance any sum of money on the security of any such article or thing.

SEC. 4. [*As am'd Oct. 19, 1908.*] Every keeper of a junk shop or junk dealer whose place of business is in Montclair shall provide and keep a book in which shall be fairly written at the time of every purchase a description of the article or articles so purchased, the name and residence of the person from whom such purchase was made and the day of the purchase.

SEC. 5. Every such book shall at all times be open to the inspection of any councilman, policeman or constable of the town, or to any person who may be authorized in writing for that purpose by any of them or by the Recorder or any justice of the peace of the town, such person exhibiting to the licensee his authority aforesaid :

SEC. 6. [*As am'd Oct. 19, 1908.*] Every such license shall continue in force until the first day of *May next* succeeding the granting of such license.

SEC. 7. No keeper of a junk shop or junk dealer shall purchase or receive in way of business any goods, articles or things whatsoever between the setting of the sun and the hour of seven o'clock in the morning, or purchase or receive in the line of his business any goods, article or thing whatsoever from any person under the age of fifteen years.

SEC. 8. [*As am'd Oct. 19, 1908.*] Every keeper of a junk shop or junk dealer who shall receive or be in possession of any goods, *articles* or thing which may have been lost or stolen, shall forthwith, on demand to view the same, present the same to the Recorder or any of the councilmen or policemen of the town.

SEC. 9. [*As am'd Oct. 19, 1908.*] Every person so licensed as a junk dealer or junk shop keeper shall be entitled to keep one cart, wagon or vehicle for the purpose of collecting junk, old rope, old iron, brass, copper, tin, lead, or other metals, rags, old bottles and *such like* in the town; provided, however, that if said person so licensed as aforesaid desire to keep more than one cart, wagon or vehicle he shall first apply to the Council for such privilege, and shall pay the sum of five dollars for each cart, wagon or vehicle, the said Council may authorize him to use as aforesaid; and provided also that any person using any such cart, wagon or vehicle, or causing the same to be used, shall cause to be painted on the outside of such cart, wagon or vehicle his name at length, the street and number of his place of business, in plain letters, put on with black letters on white ground, said letters to be not less than two and a half inches in length, *and shall also attach to each side of such wagon a metal plate bearing the number of such license to be furnished by the Town Clerk.*

SEC. 10. [*As am'd Oct. 19, 1908.*] Every person engaged in drawing or driving any cart, wagon or vehicle for the purpose of collecting junk, old rope, old iron, brass, copper, tin, lead or other

metals, rags, old bottles and *such like* shall at all times carry with him when so engaged, the license or duplicate thereof, whereby such conveyance is authorized, and shall exhibit the same on demand to any police officer of the town.

SEC. 11. [*As am'd Oct. 19, 1908.*] No person or persons (except such as are licensed under this ordinance or are in the regular employ of such a licensee) shall draw or drive or cause to be drawn or driven any cart, wagon or vehicle for the purpose aforesaid, *and no more than one person shall be allowed on a wagon.*

SEC. 12. All licenses under this ordinance shall at all times be subject to such rules and regulations as may be made for their control and government by the Town Council of this town.

SEC. 13. [*As am'd Oct. 19, 1908.*] Any person violating or refusing or neglecting to comply with any of the provisions of this ordinance shall be liable *upon the first conviction* to a penalty of *ten dollars, and upon each and every conviction thereafter to a penalty of twenty-five dollars.*

SEC. 14. All prosecutions for violations of any of the provisions of this ordinance shall be had and brought before the Recorder of the town.

SEC. 15. [*As am'd Oct. 19, 1908.*] *All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.*

Dated May 21st, 1894.

An Ordinance to Regulate and Control the Fire Department.

The Council of the Town of Montclair, in the County of Essex, do ordain as follows:

SECTION 1. The Fire Department of the Town of Montclair shall consist of the several organizations now constituting the Fire Department of said town and of such other companies as shall from time to time be organized and established by the Town Council.

SECTION 2. [*As am'd 14 Mch., 1904.*] *There shall be appointed annually by the Chairman of the Council from among the members*

of the Council, a Committee on Fire Department, consisting of not less than three members, who shall constitute a Fire Committee and shall have power to employ a clerk. The Chief Engineer of the Fire Department shall attend the meetings of said committee and shall give such information as shall be required.

SEC. 3. The said Fire Committee shall have power to adopt such rules and regulations for the government, management and discipline of the Fire Department and its officers and members, not inconsistent with the laws of the State or with the provisions of this ordinance, as in their judgment may be advisable and necessary; provided, however, that no rule or regulation shall become effective until after it has been submitted to and approved by the Town Council.

SEC. 4. The care, custody and control of all fire apparatus and their appurtenances and the fire alarm system shall be vested in said Fire Committee, and they shall have power to provide for all necessary repairs to the same, and to purchase all necessary supplies and equipments for the use of the department, and to provide for the care of horses and buildings of the Fire Department, subject to the approval of the Town Council.

SEC. 5. And be it ordained, that all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Dated May 28th, 1894.

**An Ordinance to Provide for the Repair of Sidewalks, Curbs and Gutters
in the Town of Montclair.**

Be it ordained by the Council of the Town of Montclair, in the County of Essex, as follows:

1. That all owners or occupants of any parcel of land fronting on any improved street in the Town of Montclair be and they are hereby required to keep the sidewalks, curbs and gutters in front of such land in good repair; and if in any case, after thirty days' notice, such repairs be not done by such owner or occupant, the Council shall have the same done and the expense thereof with interest and costs shall be assessed as a tax on such lot and shall be a lien thereon and be collected as other taxes are collected.

2. And be it ordained, that the notice referred to in the foregoing section shall be signed by Town Clerk and deposited in the post office of Montclair prepaid and addressed to such owners or occupants at his, her or their last known post office address. And it shall be his duty to give such notice to such owners whenever the Council shall consider it expedient and shall so direct.

Adopted December 31st, 1894.

**An Ordinance to Provide for and Enforce the Removal of Snow and Ice
from the Sidewalks and Gutters of Streets by the Owner
or Occupant of Land Fronting Thereon.**

Be it ordained by the Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. The owner, occupant or person having charge of each and every dwelling house, or other building, or lot or lots of ground shall, within the first six hours after every fall of snow or hail, or after the formation of any ice, upon the said sidewalk in front thereof, cause the said snow or ice (unless said snow or ice shall have been perfectly covered with sand or ashes) to be entirely removed from off the flagging or planks of said sidewalk in front thereof, and shall also cause the gutter in front thereof to be cleaned out to a sufficient width to allow the water to run freely along the same, under the penalty of three dollars for every such neglect, to be forfeited and paid by the said owner, occupant or person having the charge thereof, severally and respectively.

Provided, that this section shall not apply to any sidewalk which shall not at the time have been laid, either to the whole width or a part thereof, with flagging, cement, concrete, plank, boards or some artificial covering.

SEC. 2. No person or corporation shall throw, place or deposit any snow or ice into or upon any street or highway in said town, nor move or remove any snow or ice in any said street or highway, from one part thereof to another, without levelling and spreading the same in such manner as to avoid and prevent the formation of banks and mounds under the penalty of three dollars for each and every offence.

SEC. 3. And be it ordained, that in case of neglect or refusal of or by the owner or occupant of any lot of land fronting on a public street or highway to remove the snow or ice from the sidewalks and gutters in front of said lot or lands within twelve hours after each and every fall of snow and hail, or after the formation of any ice, as provided in section one of this ordinance, the Council may cause the same to be done at the expense of the owner, and the cost and expense thereof, with interest thereon, shall be added to and shall form part of the taxes next to be levied and assessed upon such lands, and shall be and remain a lien upon such lands until paid, pursuant to the statute in such case made and provided; but the provisions of this section are not to be construed as relieving said owner or occupant from the penalty prescribed in section one of this ordinance.

Adopted January 14th, 1895.

An Ordinance to Provide for the Protection of the Fire Apparatus and Hydrants or Fire Plugs in the Town of Montclair.

Be it ordained by the Council of the Town of Montclair, in the County of Essex, that any person who shall enter any engine house, hook and ladder or hose house, with intent to injure the same, or any fire apparatus, or shall at any time or place injure or mutilate any fire apparatus, hydrant or fire plug, or who shall draw water from any hydrant or fire plug for any purpose, except when properly and lawfully engaged in examining their condition, or for the use of the fire department of the town, without a written permit, signed by the Chief of the Fire Department and countersigned by the Chairman of the Fire Committee of the Council of said town, being first had and obtained, shall for each offence forfeit and pay the sum of five dollars to be recovered in the manner provided for the violation of town ordinances; and shall furthermore be liable for all damage or injury done.

Adopted July 22, 1895.

An Ordinance to Amend an Ordinance Concerning Licenses to Hackmen and Others, Adopted December 29th, 1890.

The Council of the Town of Montclair, in the County of Essex, do ordain as follows:

That Section 9 of an ordinance entitled "An Ordinance concerning Licenses to Hackmen and Others," passed December 29th, 1890, be and it hereby is amended so as to read as follows:

SECTION 9. The prices which may be charged by the owners or drivers of hacks, cabs and other licensed vehicles shall be as follows: For conveying each passenger from the railroad depots or any other point south of Watchung avenue to another point in Montclair south of Watchung avenue, 25 cents (except that 50 cents may be charged in the following localities: On Upper Mountain avenue, south of Bloomfield avenue; on upper Mountain avenue, north of Beattie avenue); on Highland avenue and to any point north of Watchung avenue. For conveying each passenger from railroad depots, or any other point north of Watchung avenue, to another point in Mount Hebron District or north of Watchung avenue, 25 cents; but to a point south of Watchung avenue, 50 cents. Between the hours of 10.30 p. m. and 6 a. m. these prices may be doubled. Each passenger shall be allowed to have carried upon such hack, cab, or conveyance his ordinary traveling baggage, for which the charge shall be for one trunk and twenty-five pounds of other baggage not exceeding in the whole one hundred pounds, 25 cents, and for every additional trunk or other article in excess of one hundred pounds, 25 cents.

Adopted October 7th, 1895.

An Ordinance Granting to the Montclair Light and Power Company, the Right to Place Poles and Wires through and upon the Streets and Highways of the Town of Montclair, for an Electric Lighting System, and Prescribing the Manner of Placing the Same and Regulating the Use of said Streets and Highways by said Company.

The Council of the Town of Montclair, in the County of Essex, do ordain as follows:

SECTION 1. Subject to the conditions hereinafter set forth, the Montclair Light and Power Company shall have the right to use any of the streets and highways within said town, through and upon which to place poles or wires for an electric lighting system in the Town of Montclair, for the period of fifteen (15) years, from and after the passing of this ordinance.

SEC. 2. That the use of the streets and highways shall be subject to the following regulations and restrictions:

1. No pole shall be erected in any street or highway of said town without the consent in writing of the owner or owners of the property on or in front of which said pole or post is to be erected.

2. Poles must be set inside the curb line of the street and as near to the curb line as may be, without damage to the curb. The poles so erected by said company shall not be used or allowed to be used for any other purpose than the carrying thereon of wires for electric light or fire alarm purposes, without the special consent of the Council of the town.

3. No bill-posting, writing or advertising signs of any kind shall be permitted on said poles.

4. All wires used by the company must be so placed and located as in no way to interfere with the safety or convenience of persons traveling on or over said streets and highways.

5. Poles must be placed not less than 125 feet from each other, and all decayed or unsafe poles must be removed and replaced within five days after notice given in writing by the Town Council, or its duly authorized representatives, to any officer of the company or any of its agents in charge of the plant, wherever found.

6. No tree shall be cut down, and no branches shall be cut or removed by the company without permission in writing first obtained from the owner of the soil on which such tree may stand, endorsed by the Town Engineer.

7. For each and every violation of any of the foregoing provisions of this ordinance by the said company or any of its officers, agents or employees, the said company and each and every of its officers, agents and employees, or other persons participating therein shall be subject to a fine of twenty dollars, to be recovered in the manner provided by law, for recoveries for the violation of the ordinances of the town.

8. All poles owned and set by the company shall be of cedar, cypress, or yellow pine, of the usual hexagonal form with pointed end, painted a neutral grey or green tint with a suitable good paint. All poles shall be not less than 28 feet in length, of 6 to 8 inches diameter at the top, and 8 to 12 at the butt. The size to be governed by the location of the pole and the number of wires supported by it; all poles must be set at least 6 feet in the ground, and must not be guyed. The usual cross-arms, insulators, etc., to be first class in every respect, and in accordance with the best usage in cities. The poles must be straight and of good appearance; all wires must be properly insulated, and run so as to touch insulators only. Converters, when any are needed, must be supported on poles or on brick or stone work of buildings and must not be placed on wooden buildings of any sort.

All material and machinery used in constructing and furnishing the plant shall be of standard quality, and equal to that used and approved by the best engineers in constructing modern electric light plants.

9. Upon the completion and installation of the plant or any extensions thereof, the Town Council may, at its option, employ an electrical engineer to inspect and determine whether the same has been constructed in accordance with the provisions of this ordinance, and if he shall report that it is not in accordance with the ordinance, the company shall make such changes as may be necessary to comply with the same.

SEC. 3. The company shall supply all demands for lighting, during the life of the franchise hereby granted, as follows:

1. For private lighting up to 1,000 incandescent lamps, within 120 days from the passage of this ordinance, and must increase its capacity to 1,000 more whenever and as soon as 500 additional lamps are demanded, and must continue to increase by units of 1,000 lamps whenever there is a demand for 500 lamps in excess of its existing capacity.

2. Lamps to be 50 or 104 volt; 16 candle power, and price not to exceed 20 cents per 1,000 watts less 5 per cent. discount if bill is paid within 10 days from receipt of same by the consumer.

3. The company shall make connections between house-wiring and street wires and shall furnish, install and maintain meters without

charge and without rental, and shall make regulations for interior wiring and installation of fixtures, motors, converters, meters and all other appurtenances.

4. The company must be prepared to enter into contract with the town at any time upon terms to be agreed upon by the Council, and the authorized agents or officers of the company to furnish and operate not less than 14 lamps of 1,200 candle power for street lighting to burn from dusk to dawn; but the rental to be paid by the town for such arc lights shall not exceed the rate of one hundred dollars per annum per lamp.

5. The company must also be prepared to enter into contract with the town at any time, upon terms to be agreed upon between the Council and the authorized agents or officers of the company, to furnish and operate not less than 50 incandescent lamps of 32 candle power each for street lighting; but the rental to be paid by the town for such incandescent lights, to burn from dusk to dawn, shall not exceed the rate of \$25 per annum per lamp.

6. Said company shall extend the public lighting system whenever and wherever ordered by the Town Council on any of the streets of the town, such extensions to be under the same conditions and provisions and rates as may be in force at the time the orders for such extensions are made.

7. The company shall furnish complete, without charge, all parts, poles or other supports for lamps ordered or contracted for by the town for public lighting and shall also furnish and renew, without charge, all lamps for both public and private lighting, except such private lamps as may be broken through carelessness of consumers, and shall make such renewals as often as may be necessary to give the candle power herein specified.

8. All lamps, public or private, furnished by said company during the life of its franchise hereby granted, shall give an efficiency of not less than eighty-seven and one-half per cent. of their rated candle power, and said lamps and the current and voltage supplied to the same may at any time be tested by the town to determine whether the said efficiency is being maintained.

SEC. 4. All house-wiring and connections therewith must be in accordance with the rules and regulations of the New York Board of Fire Underwriters and must be approved by the Chief of the Fire Department of the Town of Montclair.

SEC. 5. The company may establish rates and make such rules and regulations as may be necessary, subject always to the terms of this ordinance.

SEC. 6. The company may use such of the fire alarm poles as are under the control of the town, and in lieu of rental shall keep all the fire alarm wires in first-class working condition, and furnish current for the operation of the town's fire alarm system, and shall allow the town, at its own expense, to string its fire alarm wires on any of the poles of the company, and the company must, if the Council so direct, immediately upon the installation of the plant, or at any time thereafter, during the life of this franchise, place a 1,200 candle power arc light at the junction of Church street, Fullerton and Bloomfield avenues, at a point to be indicated by the Town Council, and place a similar light at or near the intersection of Spring street with Bloomfield avenue, and maintain these two lights free of all and any expense to the Town of Montclair for the period of three years, the said arc lights to be lit each and every night in the year, and kept burning from dusk to dawn.

SEC. 7. The Town of Montclair shall have the option of purchasing the plant from the company at the expiration of the fifth year, or the tenth year, or the fifteenth year from the passing of this ordinance; the price to be paid by the town to be determined by three disinterested appraisers, one to be appointed by the Town Council of Montclair, one by the company, and these two to select a third, provided that written notice of the intention to purchase the plant be given the company at least six months in advance; and provided further, that in determining the price to be paid by the town in case of such purchase nothing shall be allowed for the value of the franchise; and if such electric lighting system shall at any time be operated by a boiler or power plant which is also used for other purposes, the plant purchased by the town shall not include such portion thereof as is used for such double purpose, and the price shall be fixed with that in view, unless both the Council and the company shall elect to include the same.

SEC. 8. The terms and provisions of this franchise shall be construed to be conditions, and the failure of the company to comply with the same or any of them after thirty days' demand in writing made by the Council shall operate as a breach of condition, and

shall give the Council the power and authority to cancel this ordinance and to annul all the rights and privileges of the said company thereunder.

SEC. 9. On the expiration of the period of fifteen (15) years from the date of the passage of this ordinance, all rights and privileges of the company thereunder and all rights to use and occupy the streets and highways with its poles and wires shall wholly cease and determine.

SEC. 10. That this ordinance shall not be binding on the Town of Montclair, unless the Montclair Light and Power Company shall file its acceptance in writing with the Town Clerk within thirty days after the passage thereof.

Adopted November 18th, 1895.

An Ordinance Requiring the Overseer of the Poor to Keep Books of Account and Statistics.

The Council of the Town of Montclair, in the County of Essex, do ordain as follows:

That the Overseer of the Poor be and he hereby is directed to keep proper books of account, showing expenditures during the fiscal year, on the Poor House and its inmates, and the expenditures on outside relief; that he keep proper record of each individual received at the Poor House, stating name, sex, age, color, by whom and on what date committed and received, and date of departure; that he keep proper record of each individual or family receiving town aid, relief or sustenance, stating name, age, color, residence, and each and every date of receiving such aid, relief, or sustenance, so long as same may continue.

Adopted January 27th, 1896.

Ordinance designating the streets and highways in the Town of Montclair, in the County of Essex, in which the posts, poles and conduits of the Montclair and Bloomfield Telephone Company shall be placed and prescribing the manner of placing the same and regulating the use of the streets and highways by said Company.

The Council of the Town of Montclair, in the County of Essex, do ordain as follows:

SECTION 1. Subject to the conditions hereinafter set forth the Montclair and Bloomfield Telephone Company shall for the period of twenty (20) years from and after the passage of this ordinance have the right to place and maintain its poles, conduits and wires in, through, under or upon the following streets in the Town of Montclair, viz.: Commencing at the extreme southeasterly point on Bloomfield avenue, in the Town of Montclair, at the Glen Ridge Borough line, and running thence northwesterly along said Bloomfield avenue to Elm street; again commencing at Orange road, at its intersection with Bloomfield avenue, in the Town of Montclair, thence running northwesterly along the line of Bloomfield avenue to the Township of Verona; again commencing at the intersection of Maple avenue and Bloomfield avenue, in the Town of Montclair, and running thence southerly along Maple avenue to Lincoln street; again commencing at the intersection of Bay street and Bloomfield avenue, in the Town of Montclair, and running thence northerly through Bay lane to Glen Ridge line; again commencing at the intersection of Woodland avenue and Maple avenue, in the Town of Montclair, and running thence easterly along Woodland avenue to Glen Ridge line; again commencing at the intersection of Pine street and Bloomfield avenue, in the Town of Montclair, and running thence northerly along Pine street to Walnut street, again commencing at the intersection of Elm street and Bloomfield avenue, in the Town of Montclair, and running thence southerly along Elm street to Orange road; again commencing at the intersection of Grove street and Bloomfield avenue, in the Town of Montclair, and running thence northerly along Grove street to Passaic County line; again commencing at the intersection of Spring street and Glenridge avenue, in the Town of Montclair, and running thence southerly along Spring street

to Hawthorne place; again commencing at the intersection of Greenwood avenue and Spring street, in the Town of Montclair, and running thence northerly along Greenwood avenue to Walnut street; again commencing at the intersection of Glenridge avenue and Bloomfield avenue, in the Town of Montclair, and running thence easterly along Glenridge avenue to Glen Ridge line; again commencing at the intersection of Elmwood avenue and Elm street, in the Town of Montclair, and running thence easterly along Elmwood avenue to Maple avenue; again commencing at the intersection of Lexington avenue and Elm street, in the Town of Montclair, and running thence easterly along Lexington avenue to Maple avenue; again commencing at the intersection of Midland avenue and Bloomfield avenue, in the Town of Montclair, and running thence northerly along Midland avenue to Watchung avenue; again commencing at the intersection of Valley road and Church street, in the Town of Montclair, and running thence northerly along Valley road to Passaic County line; again commencing at the intersection of Portland place and Valley road, in the Town of Montclair, and running thence easterly along Portland place to Park street; again commencing at the intersection of Montague place and Valley road, in the Town of Montclair, and running thence easterly along Montague place to Park street; again commencing at the intersection of Walnut street and Valley road, in the Town of Montclair, and running thence easterly along Walnut street to Walnut Crescent; again commencing at the intersection of Mountain avenue and Bloomfield avenue, in the Town of Montclair, and running thence southerly along Mountain avenue to Eagle Rock way; again commencing at the intersection of St. Luke's place and Bloomfield avenue, in the Town of Montclair, and running thence southerly along St. Luke's place to Hillside avenue; again commencing at the intersection of Orange road and Bloomfield avenue, in the Town of Montclair, and running thence southerly along Orange road to Orange City line; again commencing at the intersection of Myrtle avenue and Mountain avenue, in the Town of Montclair, and running thence easterly along Myrtle avenue to the easterly terminus thereof; again commencing at the intersection of Union street and Elm street, in the Town of Montclair, and running thence westerly along Union street to Upper Mountain avenue; again commencing at the

intersection of Hawthorne place and Elm street, in the Town of Montclair, and running thence westerly along Hawthorne place to Orange road; again commencing at the intersection of Porter place and Orange road, in the Town of Montclair, and running thence westerly along Porter place to Clinton avenue; again commencing at the intersection of Gates avenue and Hawthorne place, in the Town of Montclair, and running thence westerly along Gates avenue to Upper Mountain avenue; again commencing at the intersection of Clinton avenue and Myrtle avenue, in the Town of Montclair, and running thence southerly along Clinton avenue to Gates avenue; again commencing at the intersection of Harrison avenue and Orange road, in the Town of Montclair, and running thence southerly along Harrison avenue to West Orange turnpike line; again commencing at the intersection of Upper Mountain avenue and Union street, in the Town of Montclair, and running thence southerly along Upper Mountain avenue to West Orange line; again commencing at the intersection of Eagle Rock way and Harrison avenue, in the Town of Montclair, and running thence northwesterly along Eagle Rock way to Upper Mountain avenue; again commencing at the intersection of Llewellyn road and Orange road, in the Town of Montclair, and running thence northwesterly along Llewellyn road to Mountain avenue; again commencing at the intersection of Cedar avenue and Orange road, in the Town of Montclair, and running thence northwesterly along Cedar avenue to Harrison avenue; again commencing at the intersection of Pleasant avenue and Cedar avenue, in the Town of Montclair, and running thence southwesterly along Pleasant avenue to West Orange line; again commencing at the intersection of Washington avenue and Orange road, in the Town of Montclair, and running thence southeasterly along Washington avenue to Glen Ridge line; again commencing at the intersection of Linden avenue and Orange road, in the Town of Montclair, and running thence southeasterly along Linden avenue to Glen Ridge line; again commencing at the intersection of Willowdale avenue and Washington avenue, in the Town of Montclair, and running thence northeasterly along Willowdale avenue to Woodland avenue; again commencing at the intersection of Lincoln street and Elm street, in the Town of Montclair, and running thence southerly along Lincoln street to Glen Ridge line; again commencing at the intersection of High street and

Orange road, in the Town of Montclair, and running thence southwesterly along High street to the southwesterly terminus thereof; again commencing at the intersection of Irving street and Orange road, in the Town of Montclair, and running thence easterly along Irving street to Lexington avenue; again commencing at the intersection of Montclair avenue and Label street, in the Town of Montclair, and running thence northeasterly along Montclair avenue to Watchung avenue; again commencing at the intersection of Christopher street and Walnut street, in the Town of Montclair, and running thence northeasterly along Christopher street to Watchung avenue; again commencing at the intersection of Oxford street and Grove street, in the Town of Montclair, and running thence southeasterly along Oxford street to the Walnut Crescent to Walnut street; again commencing at the intersection of James street and Midland avenue, in the Town of Montclair, and running thence northwesterly along James street to Valley road; again commencing at the intersection of Chestnut street and Grove street, in the Town of Montclair, and running thence northwesterly along Chestnut street to Valley road; again commencing at the intersection of Central avenue and Walnut street, in the Town of Montclair, and running thence northerly along Central avenue to Valley road; again commencing at the intersection of William street and Central avenue, in the Town of Montclair, and running thence northwesterly along William street to Valley road; again commencing at the intersection of Lower Mountain avenue and Bloomfield avenue, in the Town of Montclair, and running thence northerly along Lower Mountain avenue to Van Vleck street; again commencing at the intersection of Mountain avenue north and Claremont avenue, in the Town of Montclair, and running thence northerly along Mountain avenue north to Passaic County line; again commencing at the intersection of Prospect avenue and Claremont avenue, in the Town of Montclair, and running thence northerly along Prospect avenue to the northerly terminus thereof; again commencing at the intersection of Van Vleck street and Valley road, in the Town of Montclair, and running thence northwesterly along Van Vleck street to Mountain avenue north; again commencing at the intersection of Highland avenue and Claremont avenue, in the Town of Montclair, and running thence northerly along Highland avenue to the northerly terminus thereof; again commencing

at the intersection of Watchung avenue and Mountain avenue, in the Town of Montclair, and running thence easterly along Watchung avenue to the Township of Bloomfield; again commencing at the intersection of Cliffside avenue and Watchung avenue, in the Town of Montclair, and running thence northerly along Cliffside avenue to Lorraine avenue; again commencing at the intersection of Bellevue avenue and Mountain avenue north, in the Town of Montclair, and running thence easterly along Bellevue avenue to the Township of Bloomfield; again commencing at the intersection of Lorraine avenue and Grove street, in the Town of Montclair, and running thence westerly along Lorraine avenue to Cliffside avenue; again commencing at the intersection of Alexander avenue and Grove street, in the Town of Montclair, and running thence westerly along Alexander avenue to Valley road; again commencing at the intersection of Mt. Hebron road and Mountain avenue north, in the Town of Montclair, and running thence easterly along Mt. Hebron road to Bloomfield line; again commencing at the intersection of Park place and Park street, in the Town of Montclair, and running thence easterly along Park place to Grove street; again commencing at the intersection of Bloomfield avenue and Church street, in the Town of Montclair, and running thence along Church street to Orange road; provided, however, that no poles shall be erected by said company within the streets of that section of said town, bounded on the north by and including Chestnut street, on the east by and including Grove and Elm streets, on the south by and including Orange road, and on the west by and including Valley road, nor shall any poles be erected by said company on that portion of Valley road from Cooper avenue to Inwood avenue nor that portion of Bellevue avenue from Mountain avenue to Park street; and further provided that the said Telephone Company shall at any time after the expiration of five years from the passage of this ordinance or resolution of the Council of the Town of Montclair and on three months' notice place all their wires underground and remove the poles from the streets.

SEC. 2. That the manner of placing said posts or poles, except in the prohibited sections, be and it hereby is prescribed as follows: That said posts or poles shall be located, placed and erected at such points or places upon said streets and highways as may be indicated by the Town Council of the Town of Montclair, which places so

indicated shall not be more than one hundred and fifty feet apart, except where the wires are placed underground and shall be adjacent to, and wherever practicable within eighteen inches of the curb line of said streets and highways, and all poles so erected shall be erected under the supervision of and in a manner satisfactory to and under written permit from the said Council of the Town of Montclair, or the Superintendent of Roads of the said town, if authorized so to do by said Council.

SEC. 3. That the use of the streets and highways by said company shall be subject to the following regulations and restrictions:

First. That no poles shall be erected in any street of said town, nor shall any wires be strung on any existing poles, without first obtaining and filing with the Superintendent of Roads the consent in writing of the owner or owners of the land abutting upon that portion of the street upon which the said pole is or is proposed to be erected.

Second. That no pole shall be erected upon or within any sidewalk which is less than five feet in width.

Third. That all poles erected by said company shall be straight and free from imperfections, and not less than thirty-five feet in length, and in diameter not less than eight inches at the butt, and four inches at the top. All poles of the dimensions aforesaid shall be set not less than five feet in the ground, and poles exceeding thirty-five feet in length shall be set six inches deeper in the ground for each additional ten feet in length, and all poles fifty feet long and over shall be in diameter not less than twelve inches at the butt and six inches at the top. No poles shall be set whose diameter shall exceed twelve inches at the butt. All poles shall be painted a dark green color.

Fourth. No bill posting, marking or signs of any kind shall be permitted upon said poles, nor shall any horse or horses be hitched to the same.

Fifth. All wires shall be so placed as to hang not less than twenty feet above the street crossings, nor less than fifteen feet above the sidewalk over which they are drawn, and the said poles and wires shall in all cases be so located as in no way to interfere with the safety or convenience of persons traveling on or over said streets and sidewalks.

Sixth. All decayed or unsafe poles on any telephone line of

said company shall be removed by said company within twenty-four hours after notice in writing given by the Superintendent of Roads of the said town to the said company, or to its officer or officers in charge of said line.

Seventh. All notices required by this ordinance shall be considered duly given when served personally upon any officer, superintendent or agent of said company wherever found.

Eighth. The Town of Montclair shall have the right to use the top arm on each pole erected by virtue of this ordinance, for the purpose of attaching wires of any fire alarm telegraph now in use, or which may at any time hereafter be adopted or used by said Town of Montclair.

Ninth. Two telephones, with complete apparatus and fixtures, shall be supplied and maintained, and full telephone service shall be rendered by the said company free of charge to the Town of Montclair, to be used for town purposes, in such places as shall from time to time be indicated by the Town Council of the Town of Montclair.

Tenth. No tree shall be removed or cut, and no branches trimmed or broken by said company, or its agents or servants, without permission first had and obtained from the owner of the soil on which said tree is standing, and of the land abutting upon the said street or highway upon which the said tree is standing, and from the Superintendent of Roads of the Town of Montclair, under a penalty of twenty dollars for each and every offence. The said amount to be recovered in the manner provided by law for the recovery of penalties for the violation of ordinances.

Eleventh. In all cases where poles are already erected the said company shall use all diligence to obtain permission to use the poles so erected where practicable, and where such permission is obtained, shall so use them; and the said company is hereby granted permission to affix its wires upon all fire alarm telegraph poles which are under the control of the town subject to the provisions of subdivision first of this section, where they can be so affixed in the judgment of the Chief Engineer of the Fire Department, without interfering with the effectiveness of the fire alarm service, and may maintain its wires thereon during the pleasure of the Council, but no longer, provided, however, that this privilege shall not be so

exercised as to interfere with the keeping of the fire alarm system of the town in perfect working order at all times by any other company using such poles or any wires, now or hereafter to be placed thereon, for any other purpose than for fire alarm purposes, under any right or privilege heretofore granted to any other person or corporation, and if the presence of the wires of this company on the fire alarm poles shall cause any interference with the keeping of the fire alarm system in order by any other company, then in such event, the Montclair and Bloomfield Telephone Company shall either remove their wires from such poles or themselves keep the fire alarm system in perfect working order.

Twelfth. None of the poles or wires erected by said company or under the provisions of this ordinance shall be used for any other purpose than for telephone or fire alarm purposes without the special consent of the Council of the town.

Thirteenth. For each and every pole erected in any of the streets of said town, said company shall pay to the Superintendent of Roads for the use of the town the sum of one dollar, before erecting the same, and for each and every pole in excess of one hundred and fifty erected under the power granted by this ordinance, and standing in whole or in part on any street or highway, the said company shall pay to the town on the first day of August of each and every year the sum of five (\$5) dollars per annum while such pole is maintained; and after one hundred and fifty poles shall have been erected hereunder no permit shall be issued for the erection of any pole until the payment for the then current year shall have been made.

Fourteenth. The company shall at all times maintain its system and service in the highest degree of commercial efficiency.

Fifteenth. The company shall have its lines in complete working order, ready to supply all existing demands for service, within six months from the first day of January, 1897.

Sixteenth. The Council shall have the right to grant to any other individual or corporation the right to affix its wires or fixtures to the poles erected by the company under the provisions of this ordinance when the interests of the town shall demand this, and the company shall allow such use of its poles upon reasonable terms to be determined by the Council in case the parties shall not agree upon them.

Seventeenth. Whenever the owner or owners of any poles erected, or to be erected, in any of the streets of said town of Montclair, upon which the wires of said The Montclair and Bloomfield Telephone Company may be suspended by arrangement with such owner or owners, shall put their wires underground, said telephone company shall also put its wires underground, and shall not have the right to erect or maintain poles in place of those, the use of which may be discontinued by said owner or owners.

Eighteenth. If at any time said company shall fail, for any cause, to operate its lines for three months, consecutively, the Town of Montclair shall have the right in its discretion to forthwith remove from the streets of said town any and all poles and wire erected or suspended by said company after giving ten days' notice in writing to said company or its authorized agents, unless the same shall be sooner removed by said company or its successors, and the poles and wires and appurtenances so removed by the town shall be the property of the town.

Nineteenth. Whenever the company shall open any of the streets or highways of the town for the purpose of placing any of its conduits or wires therein, the Council shall have the right to grant to any other person or corporation having the right to place wires or conduits under the streets of the town the right to place its wires or conduits in the same trenches so opened by this company, upon paying to this company a fair proportion of the cost of such trenches, the amount to be determined by the Council if the parties cannot agree. The company shall give to the Superintendent of Roads ten days' notice of its intention to apply for such permit to open any street, and the said Superintendent of Roads shall forthwith notify each and every person or corporation having the right to place wires or conduits underground in said streets of such intended application, and if such other person or corporation shall not avail himself or itself of the opportunity thus given to use said trenches, no permit shall thereafter be given to such other person or corporation to open such street without special cause shown. And this company shall have similar rights and privileges, and be subject to similar obligations with reference to the trenches of any other person or corporation which shall hereafter open the streets for similar purposes.

SEC. 4. Subject to the further conditions hereinafter stated, the

company shall have the right to place its wires underground, and for that purpose may construct suitable conduits and appurtenances thereto in and upon that portion of Bloomfield avenue from Elm street to Orange road, in the Town of Montclair, and in and upon the several streets and highways specifically enumerated in Section 1 of this ordinance, and also in and upon such other and additional streets and highways in said town as the Council may from time to time by resolution designate.

The conditions under which said company may place their wires and conduits underground within the limits of the Town of Montclair are as follows, to wit:—

No street shall be opened for such purpose except upon a written permit signed by the Superintendent of Roads, and countersigned by one member of the Committee on Roads and Road Repairs of the Council, who are hereby authorized to issue the same, whenever and so long as said company has on deposit with the town a sum equal to the cost of restoring said street, and not less than one hundred dollars to insure the restoration of the streets as hereinafter provided.

Said conduits shall be constructed under the supervision of the Committee on Roads and Road Repairs of the Town Council, and in such manner as not to interfere with public travel and so as to insure the safety of persons using the highway. No trench or excavation shall be allowed to remain open for a longer period than five days, nor shall the same be left open at any time without being properly guarded. All streets and portions of streets, as soon as the conduits and appurtenances have been placed therein, shall immediately be restored to the same condition in all respects as before being opened to the satisfaction of the Superintendent of Roads and said Committee, and to insure such restoration said company shall keep on deposit with the town, to be used by it for such purposes in case said company shall fail to comply with this requirement, a sum equal to the cost of such restoration and not less than one hundred dollars.

SEC. 5. That the rentals for unlimited use within the Town of Montclair of the telephones shall not exceed three dollars per month to any subscriber during the term of this franchise.

SEC. 6. This ordinance and all rights of the said company, its successors or assigns hereunder, shall terminate at the end of twenty

years from the passage of this ordinance, and this ordinance shall not be binding upon the Town of Montclair, unless the said The Montclair and Bloomfield Telephone Company shall signify its acceptance thereof in writing under its seal within sixty days from the date of its adoption by the Council of the Town of Montclair, and until such writing shall be filed with the Town Clerk of the Town of Montclair. And the Town Council of the Town of Montclair shall have the right to revoke and annul this ordinance and the privileges hereby granted upon due notice to the said The Montclair and Bloomfield Telephone Company of not less than thirty days in case the said company shall wilfully violate or refuse to conform to any of the terms and conditions of this ordinance for ten days after being duly notified in writing of such violation or refusal.

SEC. 7. That the Montclair and Bloomfield Telephone Company shall pay into the treasury of the Town of Montclair all advertising and printing fees incurred by the Town of Montclair in connection with the passage of this ordinance.

Adopted September 28th, 1896.

An Ordinance Prohibiting the Attaching of Hand Bills, Advertisements and Other Notices to Trees and Telegraph, Telephone and Electric Light Poles, and also Prohibiting the Scattering of Such Hand Bills, Advertisements or Notices in or Upon the Streets or Other Public Places, or the Pasting of the Same to Sidewalks, in the Town of Montclair.

Be it ordained by the Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. No person or persons shall place upon, or attach to, any tree, or upon, or to, any telegraph, telephone or electric light pole upon any of the streets within the limits of the Town of Montclair, any hand bill, advertisement, or written or printed or partly written or printed notice of any kind, except such notices as by law are required to be posted.

SEC. 2. No person or persons shall scatter or throw upon any of the streets or other public place within the limits of the Town of Montclair, any hand bills, advertisements, circulars or other written

or printed matter, or fasten, by pasting or otherwise, any such advertisements, notices or circulars, to any of the sidewalks in said Town of Montclair.

SEC. 3. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, forfeit and pay the sum of \$10, to be imposed and collected as provided by law for the imposition and collection of penalties for the violation of ordinances in the Town of Montclair.

SEC. 4. All ordinances, or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Adopted June 7, 1897.

An Ordinance granting permission to the New York and New Jersey Telephone Company to lay and maintain underground conduits, cables, wires and manholes for electrical conductors in the Town of Montclair, New Jersey, to be used for telephone and telegraph purposes.

SECTION 1. Be it ordained by the Council of the Town of Montclair, in the County of Essex, That The New York and New Jersey Telephone Company be, and it hereby is, authorized and empowered, subject to the provisions of this ordinance, to construct and maintain, for the uses and purposes of its business aforesaid, a system of subways and underground conduits, including the necessary manholes and subways and lateral connections to property lines beneath the surface of the streets, avenues and other highways of the Town of Montclair, as herein provided, and to place, maintain and operate in said system of subways or underground conduits, wires, cables or other electrical conductors necessary for its said business; also to construct, maintain and operate for such purposes a system of electrical conductors in connection therewith for distribution from the electrical conductors to be placed in the subways or underground conduits hereinbefore mentioned; a plan of said system of subways and underground conduits to be presented to, and approved by, the Council, before the work of construction shall commence; provided, however, that no pole shall at any time be erected in or upon any

of the streets, avenues or other highways of said town except as herein expressly provided, and then only with the written consent of the abutting property owners and the Council, in conformity with this ordinance. All poles erected by said company shall be straight poles, finished smooth and painted with at least two coats of good paint of a color approved by the Council, and repainted not less than once in three years. The consents of the property owners for the erection of poles shall be in writing or print and shall particularly specify the location and dimensions of such pole or poles and the maximum number of cross-arms which may be affixed thereto. Before any pole shall be erected on any street, highway or public place of said town, a permit shall also be obtained from the Superintendent of Roads for the erection thereof. All aerial wires erected hereunder shall be not less than twenty feet above the ground.

SEC. 2. The plan of construction of the system herein authorized shall be as follows:

On Bloomfield avenue from the eastern to the western limits of the town;

On Orange road from Orange city limits to Fullerton avenue;

On Fullerton avenue from Orange road to Chestnut street;

On Gates avenue from Orange road to Mountain avenue;

On Hawthorne place from Elm street to Fullerton avenue;

On Union street from Elm street to Mountain avenue;

On the Crescent from Fullerton avenue to Plymouth street;

On Clinton avenue from Gates avenue to Myrtle avenue;

On Myrtle avenue from Clinton avenue to Mountain avenue;

On Mountain avenue and Lower Mountain avenue from Myrtle avenue to Van Vleck street;

On Van Vleck street from Lower Mountain avenue to Mountain avenue;

On Mountain avenue from Van Vleck street to Bellevue avenue;

On Walnut street from Grove street to Valley road;

On Midland avenue from Claremont avenue to Chestnut street;

On Grove street from Bloomfield avenue to Chestnut street;

On Bellevue avenue from Mountain avenue to Grove street;

On Park street from Bellevue avenue to Inwood avenue; and such

other streets, avenues and highways as the Council may from time to time by resolution designate.

SEC. 3. The said company may, with the consent of the Council and abutting property owners, as above prescribed, erect and maintain pole lines and the usual appurtenances and wires affixed thereto upon the streets, avenues and public places, and parts of streets, avenues and public places of said town not hereinbefore designated, but whenever required so to do by said Council it shall provide subways or underground conduits in any street or part of a street in which poles may have been or shall hereafter be erected under the provisions of this ordinance or any existing ordinance or any ordinance hereafter adopted, for all that part of the line consisting of twenty or more circuits, or connecting sixty or more subscribers, and shall thereupon forthwith remove from such part of the line all poles and other structures above the surface of the ground, except such distributing poles as the Council shall authorize; provided, however, that no pole lines or other than distributing poles shall be erected by said company within the streets of that section of said town bounded on the north by and including Chestnut street, on the east by and including Grove and Elm streets, on the south by and including Orange road, and on the west by and including Valley road, nor shall any pole lines be erected by said company on that portion of Valley road from Cooper avenue to Inwood avenue, nor that portion of Bellevue avenue from Mountain avenue to Park street. Upon the completion of the conduits or subways in any street or section thereof, the said company shall cause its overhead wires and poles (except such distributing poles as shall have been duly authorized) to be removed from the streets in which conduits are constructed, and will provide space for all wires now used by the Town of Montclair for fire and police purposes to be placed within said conduits. And in the event of the failure of said company to remove the said wires and poles within ten days after notice so to do shall have been given by or on behalf of the Council to any officer or agent of the said company, the Council or its agents may remove the said wires and poles at the expense of the said company.

SEC. 4. And be it further ordained, that the said subways or underground conduits shall be made of wood or other suitable material, and shall be laid when authorized by the Council not less

than eighteen inches beneath the surface of the street and not less than one foot nor more than five feet outside of the curb line, and shall not occupy a space to exceed two feet in width and four feet in depth, excepting where existing pipes or obstructions may require a deviation from such location or size, in which cases such subways and conduits shall be located under the direction of the Council in such places and on such lines and of such size as to preserve the existing rights of other persons or companies. The subways or conduits shall not be used to contain wires or conductors for the transmission of electricity for any other purposes than as herein provided, to wit: The carrying of telegraph and telephone conductors only. All manholes shall be located beneath the surface of the streets at such points along the line of the subways or underground conduits as may be necessary or convenient for placing and operating the electrical conductors which the said company may from time to time place in said subways or underground conduits and as shall be approved by the Council, and shall be so constructed as not to interfere with the passage of the public over and along the said streets, and the electrical conductors and conduits therefor shall be placed so as not to injure the property of any person or any public or private sewer, water or gas pipe. No street or avenue shall be opened by the said company without a written permit for that purpose, signed by the Superintendent of Roads and countersigned by one member of the Committee on Roads of the Council, stating the opening authorized to be made thereunder, which permit shall remain in the possession of the person in charge of said work and be by him exhibited to any police officer of the Town of Montclair or any member of the town government upon demand. The said company, its servants and employees in the laying of any wires or conduits, in excavating and replacing the earth in any street, and the pavement thereon, shall be under the supervision of the Council and its authorized agents, and shall promptly comply with their orders; the earth removed in making any excavation shall be restored, and the pavement, if any be taken up, shall be relaid by the said company in a thorough, workmanlike manner, and in such manner as to prevent any future sinking of the pavement, and after the restoration of such earth and pavement, the same shall be maintained by said company in as good condition as the surrounding pavement, until such street, avenue or highway in each case shall be renewed or

repaved by the town. The cost of restoring the earth, macadam or otherwise arising from such excavation, and the laying of pavements and repairs thereto caused by the opening of any such street, alley or public place shall be paid by said company, but the said work shall be done under the supervision and control of the Council. In case the said company shall fail or neglect to restore the earth removed in making the excavation, or to restore the pavement taken up, in the manner aforesaid, or to properly maintain the same before the expiration of forty-eight hours after notice in writing to do such work shall have been served upon said company, or one of its officers, agents, servants or employees in charge of such work, by the Council or its authorized agent, then such work shall be done at the expense of said company by the Council or its agents, and the cost thereof shall be paid by said Company upon presentation to it of the bills therefor certified as correct by the Council, and the said company shall also pay all expense to which the Town of Montclair shall be put by neglect of the said company or its employees in the doing of any work, or in the doing of the same in an unworkmanlike manner.

SEC. 5. The said company shall indemnify the Town of Montclair against, and assume all liability and damages which may at any time arise, come or occur to said Town of Montclair, from any injury to persons or property in the doing of any work herein mentioned, or from the neglect of the company or its employees to comply with the provisions of any ordinance of the Town of Montclair, relative to the use of streets or any other public places, and the maintenance of lights and barriers at and around the excavations and the protection of the public using said streets.

SEC. 6. Nothing in this ordinance shall be construed to grant unto The New York and New Jersey Telephone Company an exclusive right, or to prevent the grant of similar privileges to other companies for like purposes on any of the streets and highways of the Town.

SEC. 7. The said company is hereby required to commence the work of construction of the subways and conduits herein authorized within sixty days of its acceptance of this ordinance, and to proceed with the same diligently to completion, and in the event of the failure of the said company to build within one year from the enactment of this ordinance at least three miles and within the ensuing five years at least three additional miles, of said subways or conduits on

the streets authorized in this ordinance, or in any of the resolutions hereafter adopted designating other streets in which such conduits or subways may be laid, the provisions of this ordinance shall become void and of no effect, unless the time for the completion of any such work shall be extended by resolution of the Council.

In case any of the said subways or conduits or poles or wires or parts thereof shall be abandoned and shall not be used for telephone or telegraph purposes by the said Telephone Company, or its successors, for six months, then and in that case the subways, conduits, poles or wires or parts thereof so abandoned shall, without any action on the part of the council of the town, become the property of and under the complete control of the said Town of Montclair.

SEC. 8. In consideration hereof, the said New York and New Jersey Telephone Company agrees to pay to the Town of Montclair such taxes as shall be lawfully assessed upon said company, and as further consideration to provide the Town of Montclair with telephone service free of rental or maintenance charges at not less than ten stations, with an additional station for each fifty additional subscribers above two hundred obtained by said company in Montclair, until there shall be fifteen such free stations, which shall not be later than January 1st, 1903, for the use only of the officers or employees of the town for official business, and which stations shall be located in such public buildings or offices on the line or lines of said Telephone Company, in the Town of Montclair, as shall be designated by the Council, service thereon to be the same as to the company's regular subscribers. All tolls shall be rebated by said Telephone Company for connections furnished from the station at police headquarters, on business of the town, with any of the offices located on lines in the State of New Jersey owned, leased or controlled by said New York and New Jersey Telephone Company, within the limit of fifteen miles from the central station in the Town of Montclair, upon certification by the Chairman of the Police Committee, or of the Council, that such calls were made upon official business.

SEC. 9. The said New York and New Jersey Telephone Company shall provide in all streets and places in or through which subways or conduits shall be constructed, sufficient space therein to accommodate the fire alarm telegraph, telephone and police patrol wires operated or to be operated from time to time by the police, fire and other departments of the Town of Montclair, and shall at

all times provide proper, sufficient and safe conduits for such telegraph or telephone wires and keep and maintain such subways and conduits in proper order and repair, all without charge, and permit the said town to have proper access to, and to insert and maintain said wires in said conduits; and shall also use the said subways or underground conduits, and the wires therein contained, so as not in any way to interfere with the operation of the said telegraph or telephone wires of the said town. The said town shall also have the right to use the poles of said Telephone Company for the support of the fire alarm or police patrol telegraph boxes belonging to the town.

SEC. 10. The charges for telephone service by said company within the Town of Montclair shall not exceed the rates charged by it for a like class of service in any city or town of the State of New Jersey of equal or greater population.

SEC. 11. This ordinance is enacted and accepted by the said company on the express condition that the said company will comply with and perform the terms and provisions thereof, and if the said company, its successors or assigns, shall fail to keep and perform the terms, provisions and conditions of this ordinance, or of the said contract in the section referred to, on its or their part to be kept and performed, the said ordinance shall cease and determine, upon passage of a resolution to that effect by the Council.

SEC. 12. And be it further ordained that said company shall pay into the town treasury all advertising or printing or other fees incurred by the town under or in respect to this ordinance.

SEC. 13. Be it further ordained that this ordinance shall be and continue in force for a period of thirty-five years from the date of its adoption, and at the end of said term the same shall cease, determine and become void. But thereafter the town shall have and retain all its rights under this ordinance to use the said subways for its wires, but without any obligation on the part of the company to maintain said subways thereafter solely for the benefit of the said town.

SEC. 14. And be it further ordained, the said company shall file with the Town Clerk its acceptance of this ordinance within twenty days from the date of its passage.

SEC. 15. Be it further ordained that before the permission hereby granted shall go into effect, a contract shall be drawn embodying the

provisions of this ordinance, to be approved by the Town Attorney and the Council and duly executed by an authorized officer of the said telephone company and the Chairman of the Council and attested by the Town Clerk of the Town of Montclair, and filed with the Clerk of said Town.

SEC. 16. And be it further ordained that at the time of filing the acceptance of the provisions of this ordinance by The New York and New Jersey Telephone Company, as hereinbefore provided, the said company shall enter into and file with the Town Clerk a bond to the Town of Montclair, to be approved by the Council, in the penal sum of \$5,000, conditioned for the faithful performance of each and every the provisions contained in this ordinance, and the said contract, and the payment of all sums which may become due to the town under or by reason thereof. Such bond and the sureties thereon shall be renewed and approved at least once in every five years.

SEC. 17. The word "town" as used in this ordinance shall be held to include any other municipality into which the Town of Montclair may at any time hereafter be changed, or with or into which such town may be merged, consolidated or annexed, not exceeding the territorial limits of the present township; and the word "Council" shall be held to include and apply to the governing body of such other municipality.

SEC. 18. Pending the placing of its conduits, cables and wires underground pursuant to the provisions of this ordinance, The New York and New Jersey Telephone Company shall have the right to maintain so many of the posts and poles erected within the limits of the Town of Montclair, by virtue of an ordinance entitled "An ordinance designating the streets and highways of the Township of Montclair in, through and upon which the posts or poles of The New York and New Jersey Telephone Company may be placed and prescribing the manner of placing the same, and regulating the use of the said streets and highways by said company," approved by the Township Committee of the Township of Montclair, December 29, 1890, as may be necessary, subject, however, at all times to the provisions of this ordinance; the said ordinance entitled "An ordinance designating the streets and highways of the Township of Montclair in, through and upon which the posts or poles of The New York and New Jersey Telephone Company may be placed and prescribing the

manner of placing the same, and regulating the use of the said streets and highways by said company," passed or approved by the Township Committee of the Township of Montclair, December 29th, 1890, being, and the same is hereby, repealed, and the said The New York and New Jersey Telephone Company, by its acceptance of this ordinance, shall be deemed to have consented to such repeal.

Adopted March 28th, 1898.

An Ordinance to grant consent and permission to the North Jersey Street Railway Company to construct, operate and maintain a double track Electric Street Railway on a portion of Bloomfield avenue, in the Town of Montclair, in the County of Essex; also to grant consent and permission to The North Jersey Street Railway Company to construct, operate and maintain a single track Electric Street Railway on a portion of Valley Road, in the Town of Montclair, in the County of Essex, to be operated by the overhead or trolley system and to locate the respective routes thereof, and the tracks of said railways conformably to said routes, and prescribing the terms and considerations upon which such consent and permission are granted.

WHEREAS, The North Jersey Street Railway Company, and a majority of the directors of said company, a corporation of the State of New Jersey, organized under an act entitled "An Act to Authorize the Formation of Traction Companies for the Construction and Operation of Street Railways, or Railroads Operated as Street Railways, and to regulate the same," approved March 14th, 1893, and the supplements thereto, having first filed in the office of the Secretary of State of New Jersey a description of its route upon Bloomfield avenue, in the County of Essex, with the map exhibiting the same, have presented their joint and several petition to the Council of the Town of Montclair, in the County of Essex, for consent to construct, operate and maintain a double track street surface railway within the limits of the Town of Montclair, upon a part of Bloomfield avenue, one of the streets and highways of said Town of Montclair, as set out in the following description: Beginning in Bloomfield avenue as the same is laid out in the Town of

Montclair at the easterly line of said Town of Montclair, and from thence running northwesterly along Bloomfield avenue, as laid out by the Essex County Road Board, to the easterly line of the Township of Verona and ending there, which route above described is conformable to and a part of route number one, and the map exhibiting the same, filed by the said company in the office of the Secretary of State of New Jersey; a full description of said route number one is as follows:

ROUTE NUMBER ONE.—Being located partly in the Township of Bloomfield, Borough of Glen Ridge, Town of Montclair, Township of Verona, Township of Caldwell and Borough of Caldwell, in the County of Essex and State of New Jersey.

Beginning in Bloomfield avenue as the same is laid out in the Township of Bloomfield where the tracks of the Newark Passenger Railway now terminate in the vicinity of Liberty street in said township; from thence running northwesterly along Bloomfield avenue as laid out by the Essex County Road Board, the various courses and distances thereof in the Township of Bloomfield, through the Borough of Glen Ridge, the Town of Montclair, the Township of Verona, the Township of Caldwell, and the Borough of Caldwell to Campbell avenue in said borough and ending there, and also for the right to construct one crossover on Bloomfield avenue one hundred feet west of Orange road.

And for the location of the tracks of said railway upon the said route designated within the said Town of Montclair, to the construction and operation of which consent may be given, and for the designation of points or places within said Bloomfield avenue, on which said tracks shall be located at, and in which poles may be placed whereon wires may be strung for the purpose of supplying motors with electricity for the propulsion of the cars of the said company upon said railway, and also authorizing and prescribing the manner in which the wires shall be strung thereon.

The motive power to be used for the operation of the cars upon said railway to be electricity by means of the overhead trolley system, which petition was duly filed with the Clerk of the Town of Montclair, the ninety day of March, eighteen hundred and ninety-six, as appears by indorsement thereon, and the said Council of the

Town of Montclair, in the County of Essex, at their meeting on the fourth day of January, eighteen hundred and ninety-seven, having by resolution then duly passed, fixed and appointed Thursday, the twenty-eighth day of January, eighteen hundred and ninety-seven, at eight o'clock in the evening of that day, in the Leach Building, in said Town of Montclair, as the time and place when and where the said application or petition would be considered by them, and directing that an opportunity be then given to all persons interested to be heard, respecting the same, and having in said resolution also directed that public notice of said application and of said hearing be given by publication of a notice of said meeting in the "Montclair Times" and "Montclair Herald," newspapers circulating in said Town of Montclair, and by posting a copy of said notice in five of the most public places in said town for at least fourteen days before said meeting of the Council, which notice of said meeting was duly published in the "Montclair Times" in the issues of said newspaper published on January ninth and sixteenth, eighteen hundred and ninety-seven; also in the "Montclair Herald" in the issues of said newspaper published on January seventh and fourteenth, eighteen hundred and ninety-seven, and was also duly posted in five of the most public places in said town for at least fourteen days before said meeting of the Council, as appears by affidavits on file with the Town Clerk, and

WHEREAS, At the time and place appointed by said resolution and stated in said notices, to wit, on Thursday, the twenty-eighth day of January, eighteen hundred and ninety-seven, at eight o'clock in the evening of that day, at the Leach Building in the Town of Montclair, the Council of the Town of Montclair did meet pursuant to their said resolution and for the purpose aforesaid, at which meeting a quorum of said Council were present, and did then proceed to give a public hearing to all persons appearing and desiring to be heard, in favor of, or opposed to, or in any wise interested in the said application made by The North Jersey Street Railway Company and by a majority of the directors of said company, and the said matter having been fully considered by the said Council, and said company having also filed with the Clerk of said Town a map showing the proposed location of the tracks of a double track street railway and also showing the proposed location of poles for support of overhead construction of trolley wires of The North Jersey Street Railway Company upon a portion of Bloomfield avenue; in said Town

of Montclair, which is the portion of said avenue described in said petition, and

WHEREAS, The said The North Jersey Street Railway Company having first filed in the office of the Secretary of State a description of the route of the line of railway upon a portion of Valley road in the Town of Montclair, aforesaid, showing the termini thereof, together with maps exhibiting the same, has presented its petition to the Council of the Town of Montclair, in the County of Essex, for consent to construct, operate and maintain a single track electric street railway within the limits of said Town of Montclair upon a portion of Valley road in the Town of Montclair aforesaid and filed the same with the Clerk of said town, together with the map or description of said route, showing also the proposed location of the rails or tracks and the location of the poles or conduits, praying the said Council for consent and permission to said company to construct, operate and maintain a single track street railway to be operated by electricity by the overhead or trolley system in, over and upon a portion of Valley road, one of the roads, streets and highways of the said Town of Montclair, and for consent as to the location of the route of said line of railway and also for a location of the tracks, rails, sidings, crossovers, turnouts, switches, poles and wires of said line of railway conformably to said route filed in the office of the Secretary of the State of New Jersey, as is set out in said petition, which petition was duly filed with the Clerk of the Town of Montclair, the seventeenth day of January, eighteen hundred and ninety-eight, as appears by indorsement thereon, and the said Council of the Town of Montclair, in the County of Essex, at their meeting on said seventeenth day of January, eighteen hundred and ninety-eight, having by resolution then duly passed, fixed and appointed Monday, the seventh day of February, eighteen hundred and ninety-eight, at eight o'clock in the evening of that day, in the council rooms in said Town of Montclair, as the time and place when and where the said application or petition would be considered by them, and directing that an opportunity be then given to all persons interested to be heard respecting the same, and having in said resolution also directed that public notice of said application and of said hearing be given by publication of a notice of said meeting in the "Montclair Times" and "Montclair Herald," newspapers circulating in said Town of Montclair, and by posting a copy of said notice in five of the most public

places in said Town for at least fourteen days before said meeting of the Council, which notice of said meeting was duly published in the "Montclair Times," in the issues of said newspaper published on January twenty-second and twenty-ninth, eighteen hundred and ninety-eight; also in the "Montclair Herald," in the issues of said newspaper published on January twentieth and twenty-seventh, eighteen hundred and ninety-eight, also duly posted in five of the most public places in said town, for at least fourteen days before said meeting of the Council as appears by affidavits on file with the Town Clerk, and

WHEREAS, At the time and place appointed by said resolution and stated in said notice, to wit, on Monday, the seventh day of February, eighteen hundred and ninety-eight, at eight o'clock in the evening of that day, at the Council rooms in the Town of Montclair, the Council of the Town of Montclair did meet pursuant to their said resolution and for the purpose aforesaid, at which meeting a quorum of said Council were present, and did then proceed to give a public hearing to all persons appearing and desiring to be heard, in favor of, or opposed to, or in any wise interested in the said applications made by said The North Jersey Street Railway Company and the said matter having been fully considered by the said Council,

Now, therefore, be it ordained by the Council of the Town of Montclair, in the County of Essex, that consent be and is hereby given to said route and routes of said railway as described in said petitions, and that the tracks or routes for a double track street railway and a single track street railway, respectively, of the said The North Jersey Street Railway Company, be and they are hereby located in said Town of Montclair, in the County of Essex, described as follows:

The said double track street railway: Beginning at a point in Bloomfield avenue on the easterly line of the Town of Montclair; running thence northwesterly over and through Bloomfield avenue to the easterly line of the Township of Verona and ending there, and that one crossover between the tracks of said company is hereby located at a point one hundred feet west of Orange road, in the Town of Montclair.

The single track street railway: Beginning at a point of connection with the tracks on Bloomfield avenue in the said Town of Montclair, at or near the intersection of Valley road with said

avenue, and in such manner as to make proper connections therewith, and running thence northerly to the intersection of Bloomfield avenue and Valley road, and thence in, through and along said Valley road the various directions and distances thereof to the point where the said Valley road crosses the extreme northern line of said Town of Montclair upon the county line between the County of Essex and the County of Passaic, and there terminating.

And that permission and consent is hereby given to the said The North Jersey Street Railway Company to construct, operate and maintain a double track street railway for the transportation of passengers only, upon the route first above described, and to construct, operate and maintain a single track street railway or railways for the transportation of passengers only on the route secondly hereinbefore described, and also permission and consent to construct the necessary sidings, crossovers, turnouts and switches along said lines of railway respectively, and to erect the necessary and proper poles in said Bloomfield avenue and Valley road, respectively, and public places, for sustaining the necessary wires to convey the electricity to the motors to propel the cars of said company over said tracks, and also consent and permission to erect and string the necessary wires upon the aforesaid poles, and to operate the cars upon the said railways by use of electricity as the propelling power of said cars, provided that no locomotive or other engine moving on its rails propelled by steam shall be used on either of said railway tracks in said Town of Montclair. The location of tracks and crossover and consent to said routes, and permission for the construction, maintenance and operation of said railways, and of said overhead system of poles and trolley wires hereinbefore granted is given and granted, upon the terms, conditions, limitations and restrictions contained in the provisions of the following sections of this ordinance:

SECTION 1. The location of the tracks of the said railways in and upon said routes respectively shall be as follows:

The said double tracks on Bloomfield avenue in said Town of Montclair shall be laid along the central portion of said avenue and shall be an equal distance from the centre line thereof, excepting at curves or angles, where the same shall be laid as hereinafter described.

The width between the gauges shall be four feet and four inches, and the gauges of said tracks shall be four feet eight and one-half

inches. Said centre line of Bloomfield avenue as fixed and determined by the Essex Public Road Board in the Town of Montclair, being described as follows:

Beginning at a point in centre line of Bloomfield avenue as established by Essex Public Road Board, where same is intersected by the boundary line between Town of Montclair and Borough of Glen Ridge, said point being distant measuring south twenty-nine degrees fifteen minutes west thirty-two and sixty one hundredths feet from the centre of granite monument stone on north side of said avenue, marking boundary line between Town of Montclair and Borough of Glen Ridge; thence running along centre line of Bloomfield avenue north thirty-one degrees forty-five minutes west twenty-seven hundred and twenty-four and fifty hundredths feet; thence north thirty-eight degrees six minutes west thirty-eight hundred and seventy-nine and seventy-eight hundredths feet; thence northerly curving to the east twenty-three degrees tangent to last course with radius of seven hundred and eighty-three and forty-eight hundredths feet for a distance of three hundred and fourteen and fifty hundredths feet; thence north fifteen degrees six minutes west eighteen hundred and thirty and sixty-seven hundredths feet; thence northerly curving to the west forty-seven degrees twenty-six minutes tangent to last course, with a radius of three hundred and fifty-nine and thirty-four hundredths feet, for a distance of two hundred and ninety-five and ninety-five hundredths feet to an iron bar set in said centre line of Bloomfield avenue, where same is intersected by the boundary line between Town of Montclair and Township of Verona.

And the courses and distances of the centre line between said tracks upon Bloomfield avenue as hereby located, being described as follows:

Beginning at a point in centre line of Bloomfield avenue as established by Essex Public Board Road, where same is intersected by the boundary line between the Town of Montclair and Borough of Glen Ridge, said point being distant measuring south twenty-nine degrees fifteen minutes west thirty-two and sixty-one hundredths feet from centre of granite monument stone on north side of said avenue marking boundary between Town of Montclair and Borough of Glen Ridge; thence running along centre line of Bloomfield avenue north thirty-one degrees forty-five minutes west twenty-seven hundred and five and ten hundredths feet; thence

running northerly curving to the west, six degrees twenty-one minutes tangent to last course, with a radius of three hundred and fifty feet for a distance of thirty-eight and eighty hundredths feet to centre line of Bloomfield avenue; thence along centre line of Bloomfield avenue north thirty-eight degrees six minutes west thirty-eight hundred and sixty and thirty-eight hundredths feet; thence northerly along centre line of Bloomfield avenue, curving to the east, twenty-three degrees tangent to last course, with radius of seven hundred and eighty-three and forty-eight hundredths feet for a distance of three hundred and fourteen and fifty hundredths feet; thence along centre line of Bloomfield avenue north fifteen degrees six minutes west eighteen hundred and thirty and sixty-seven hundredths feet; thence northerly along centre line of Bloomfield avenue curving to the west forty-seven degrees twenty-six minutes tangent to last course, with radius of three hundred and fifty-nine and thirty-four hundredths feet for a distance of two hundred and ninety-five and ninety-five hundredths feet to an iron bar set in centre line of Bloomfield avenue, where same is intersected by the boundary line between Town of Montclair and Township of Verona.

Together with three crossovers or turnouts, as shown on the map filed with the Town Clerk of the Town of Montclair, showing poles, location of tracks, etc., upon the Bloomfield avenue line.

The said single tracks upon Valley road in the Town of Montclair shall be laid in and along the central portion of said Valley road, and an equal distance from the centre line thereof, excepting at curves or angles where the same shall be laid as hereinafter described; and the gauges of said tracks shall be four feet eight and one-half inches. The said centre line on Valley road, from the junction of the double track street railway on Bloomfield avenue northerly to the boundary line between the County of Essex and County of Passaic, is described as follows:

Beginning at a point in centre line of Bloomfield avenue, bearing north thirty-seven degrees thirty-eight minutes west as established by the Essex Public Road Board, in Town of Montclair; said point being distant measuring south forty-one degrees fifty minutes west one hundred and seven and eight hundredths feet from the southwest corner of stone foundation of Montclair Police Station; thence running along the centre line of Valley road north seven degrees

twenty-nine minutes east seven hundred and ninety-three and thirty-eight hundredths feet; thence north ten degrees twenty-five minutes east five hundred and twenty-six and twenty-two hundredths feet; thence north thirty-four degrees thirty-six minutes east eleven hundred and ten and thirty-five hundredths feet; thence north twenty-two degrees forty-three minutes east nine hundred and ninety and sixty-eight hundredths feet; thence north forty-one degrees twenty minutes east six hundred and sixty-four and ninety-six hundredths feet; thence north forty-two degrees twenty-eight minutes east one hundred and eighty-seven and sixty-three hundredths feet; thence north forty-four degrees fifteen minutes east two hundred and sixty-four and sixty-seven hundredths feet; thence north seventy-five degrees three minutes east one thousand and five and sixty hundredths feet; thence north forty-four degrees forty-four minutes east thirteen hundred and eight and twenty hundredths feet to centre line of Watchung avenue; thence along centre line of Watchung avenue south forty-nine degrees thirty-six minutes east two and seventy-eight hundredths feet to centre line of Valley road; thence along centre line of Valley road north forty-five degrees one minute east twelve hundred and twenty-six and twenty-six hundredths feet; thence northerly curving to the west, tangent to last course, thirty-nine degrees fifty-two minutes, with a radius of three hundred and thirty and eighty-four hundredths feet for a distance of two hundred and twenty-nine and fifty hundredths feet; thence north five degrees nine minutes east five hundred and twenty-three and forty-two hundredths feet; thence northerly curving to the west tangent to last course, twenty-six degrees forty minutes with a radius of nine hundred and forty-five and sixteen hundredths feet, for a distance of four hundred and thirty-nine and fifty hundredths feet; thence northerly curving to the east eighteen degrees forty-four minutes tangent to last course, with a radius of thirteen hundred and fifty-eight and sixty-seven hundredths feet, for a distance of four hundred and forty and ninety-two hundredths feet; thence north two degrees forty-seven minutes west seven hundred and eighty-three feet; thence northerly curving to the east, tangent to last course, thirty-nine degrees eight minutes, with a radius of sixteen hundred and five and sixty-seven hundredths feet, for a distance of one thousand and ninety-seven

and sixteen hundredths feet; thence north thirty-six degrees twenty-one minutes east twenty-eight hundred and ten and seventy-five hundredths feet; thence north thirty-six degrees east twenty-five hundred and ninety-seven and eight hundredths feet to a monument stone in the boundary line between the Town of Montclair and Passaic County.

And the courses and distances of the centre line of said line of single track railway upon Valley road, including the switches and turnouts, as hereby located, being described as follows:

Beginning at a point in Bloomfield avenue distant measuring at right angles south fifty-two degrees twenty-two minutes west four and fifty-two hundredths feet from the centre line of said avenue as established by the Essex Public Road Board through the Town of Montclair, said beginning point being distant measuring south twenty-nine degrees fifty-eight minutes east thirty-three and eighty-seven hundredths feet from the intersection of the centre line of Valley road with the centre line of Bloomfield avenue; being also distant measuring south twenty-six degrees thirty-one minutes west one hundred and twenty-two and two hundredths feet from the southwest corner of the stone foundation of the Montclair Police Station; thence running northerly on a curve to the east, forty-five degrees seven minutes tangent to a line parallel with the centre line of Bloomfield avenue, with a radius of seventy feet for a distance of fifty-five and twelve hundredths feet to a point in the centre line of Valley road; thence running along the centre line of Valley road tangent to last curve, north seven degrees twenty-nine minutes east fourteen and eighty-four hundredths feet to switch number one. Also a second track beginning at a point in said Bloomfield avenue distant measuring at right angles north fifty-two degrees twenty-two minutes east four and fifty-two hundredths feet from the centre line of said avenue as established, said point being distant measuring south forty-seven degrees fifteen and one-half minutes east twenty-seven and three hundredths feet, from the intersection of the centre line of Valley road with the centre line of Bloomfield avenue; being also distant measuring south twenty-seven degrees forty-three minutes west one hundred and ten and ninety-two hundredths feet from the southwest corner of the stone foundation of the Montclair Police Station; thence running northerly on a

curve to the east forty-five degrees seven minutes tangent to a line parallel with the centre line of Bloomfield avenue, with a radius of seventy-five feet for a distance of fifty-nine and five hundredths feet to a point in the centre line of Valley road at switch number one; thence running along the centre line of Valley road tangent to last curve, north seven degrees twenty-nine minutes east seven hundred and forty-six and eighty-nine hundredths feet; thence running northerly curving to the east two degrees fifty-six minutes tangent to last course, with a radius of three hundred and fifty feet for a distance of seventeen and ninety-two hundredths feet to the centre line of Valley road; thence running along the centre line of Valley road tangent to last curve, north ten degrees twenty-five minutes east four hundred and ninety-three and fifty-four hundredths feet; thence running northerly, curving to the east, twenty-four degrees eleven minutes tangent to last course with a radius of one hundred and ten and seventy-two hundredths feet for a distance of forty-six and eighty-one hundredths feet to the centre line of Valley road; thence running along the centre line of Valley road tangent to last curve, north thirty-four degrees thirty-six minutes east four hundred and sixteen and sixty-eight hundredths feet to switch number two; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running north thirty-four degrees thirty-six minutes east one hundred feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet to switch number three in the centre line of Valley road. Also a second track described thus: Beginning at said switch number two, thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last course,

with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running north thirty-four degrees thirty-six minutes east one hundred feet; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the west, six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet to switch number three in the centre line of Valley road; thence running along the centre line of Valley road north thirty-four degrees thirty-six minutes east three hundred and seventy-nine and eighty-seven hundredths feet; thence running northerly curving to the west eleven degrees fifty-three minutes tangent to last course, with a radius of two hundred feet for a distance of forty-one and forty-eight hundredths feet to centre line of Valley road; thence running along the centre line of Valley road north twenty-two degrees forty-three minutes east nine hundred and thirty-seven and thirty-nine hundredths feet; thence running northerly curving to the east eighteen degrees twenty-seven minutes tangent to last course, with a radius of two hundred feet, for a distance of sixty-four and forty hundredths feet to centre line of Valley road; thence running along centre line of Valley road north forty-one degrees twenty minutes east six hundred and twenty-nine and two hundredths feet; thence running northerly curving to the east one degree eight minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of six and ninety-two hundredths feet to centre line of Valley road; thence running along the centre line of Valley road north forty-two degrees twenty-eight minutes east one hundred and seventy-eight and seventy-three hundredths feet; thence running northerly curving to the east one degree forty-seven minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of ten and eighty-eight hundredths feet to centre line of Valley road; thence running along the centre line of Valley road north forty-four

degrees fifteen minutes east two hundred and thirty-one and sixty-eight hundredths feet; thence running northerly curving to the east thirty degrees forty-eight minutes tangent to last course, with a radius of one hundred feet, for a distance of fifty-three and seventy-five hundredths feet to centre line of Valley road at switch number four; thence running easterly curving to the south, six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running easterly curving to the north, six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running north seventy-five degrees three minutes east one hundred feet; thence running easterly curving to the north six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running north seventy-five degrees three minutes east one hundred feet; thence running easterly curving to the south six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; to switch number five in the centre line of Valley road. Also a second track described thus: Beginning at said switch number four, thence running easterly curving to the north six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running easterly curving to the south six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence north seventy-five degrees three minutes east one hundred feet; thence running easterly curving to the south six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running easterly curving to the north six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet to switch number five in the centre line of Valley road; thence running along the centre line of Valley road north seventy-five degrees three minutes east six

hundred and eighty-one and seventy hundredths feet; thence running northerly curving to the west thirty degrees nineteen minutes tangent to last course, with a radius of one hundred feet, for a distance of fifty-three and three hundredths feet to centre line of Valley road; thence running along centre line of Valley road north forty-four degrees forty-four minutes east twelve hundred and thirty-six and forty-five hundredths feet; thence running northerly curving to the east five degrees nineteen minutes tangent to last course, with a radius of three hundred and twenty-three and seven hundredths feet, for a distance of twenty-nine and ninety-seven hundredths feet; thence running northerly curving to the west five degrees two minutes tangent to last curve, with a radius of three hundred and forty-one and twenty-eight hundredths feet, for a distance of twenty-nine and ninety-eight hundredths feet to centre line of Valley road; thence running along centre line of Valley road north forty-five degrees one minute east one hundred and seventy-eight and one one-hundredth feet to switch number six; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running north forty-five degrees one minute east one hundred feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet to switch number seven in the centre line of Valley road. Also a second track described thus: Beginning at said switch number six, thence running northerly curving to the west, six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred

and fifty feet, for a distance of forty-two and forty hundredths feet; thence running north forty-five degrees one minute east one hundred feet, thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet to switch number seven in the centre line of Valley road; thence running along the centre line of Valley road north forty-five degrees one minute east seven hundred and sixty-three and ninety-eight hundredths feet; thence running northerly along the centre line of Valley road curving to the west thirty-nine degrees fifty-two minutes tangent to last course, with a radius of three hundred and thirty and eighty-four hundredths feet, for a distance of two hundred and twenty-nine and fifty hundredths feet; thence running along centre line of Valley road north five degrees nine minutes east five hundred and twenty-three and forty-two hundredths feet; thence running northerly along centre line of Valley road curving to the west twenty-six degrees forty minutes tangent to last course, with a radius of nine hundred and forty-five and sixteen hundredths feet for a distance of four hundred and thirty-nine and fifty hundredths feet; thence running northerly along centre line of Valley road curving to the east eighteen degrees forty-four minutes tangent to last curve, with a radius of thirteen hundred and fifty-eight and sixty-seven hundredths feet, for a distance of four hundred and forty and ninety-two hundredths feet to switch number eight; thence running northerly curving to the east, six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running north two degrees forty-seven minutes west one hundred feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence

running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet to switch number nine in the centre of Valley road; Also a second track described thus: . Beginning at said switch number eight, thence running northerly curving to the west six degrees fifty-six and one-half minutes, tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the east, six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running north two degrees forty-seven minutes west one hundred feet; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the west, six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet to switch number nine in the centre line of Valley road; thence running along centre line of Valley road north two degrees forty-seven minutes west five hundred and thirteen and seventy-three hundredths feet; thence running northerly along centre line of Valley road curving to the east thirty-nine degrees eight minutes tangent to last course, with a radius of sixteen hundred and five and sixty-seven hundredths feet, for a distance of ten hundred and ninety-seven and sixteen hundredths feet; thence running along centre line of Valley road north thirty-six degrees twenty-one minutes east seven hundred and nine and twenty-five hundredths feet to switch number ten; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence north thirty-six degrees twenty-one minutes east one hundred feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last

course, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running northerly curving to the east six degrees and fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet to switch number eleven in centre line of Valley road. Also a second track described thus: Beginning at said switch number ten, thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running northerly curving to the east, six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running north thirty-six degrees twenty-one minutes east one hundred feet; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet to switch number eleven in center line of Valley road; thence running along centre line of Valley road north thirty-six degrees twenty-one minutes east eighteen hundred and thirty-two and twenty-three hundredths feet; thence running along the centre line of Valley road north thirty-six degrees east five hundred and sixty-two and fifty hundredths feet to switch number twelve; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running north thirty-six degrees east one hundred feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes, tangent to last course, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running northerly curving to the east six degrees fifty-six and one-half min-

utes tangent to last curve with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet to switch number thirteen in the centre line of Valley road.

Also a second track described thus: Beginning at said switch number twelve, thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running north thirty-six degrees east one hundred feet; thence running northerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence running northerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve, with a radius of three hundred and fifty feet, for a distance of forty-two and forty hundredths feet to said switch number thirteen in centre line of Valley road; thence running along centre line of Valley road north thirty-six degrees east seventeen hundred and sixty-five and thirty-one one-hundredths feet to a monument stone set in the intersection of the centre line of Valley road with the boundary line between the County of Essex and County of Passaic and ending there.

SEC. 2. The sidings and turnouts on said single track railway on Valley road shall be two hundred and seventy feet in length and shall be placed and located as stated in the foregoing description.

SEC. 3. The poles to be used for the equipping of said lines of street railway for operation by electricity shall be of iron similar to those used by North Jersey Street Railway Company in the construction of its line of street railway upon Bloomfield avenue in the Borough of Glen Ridge; said poles shall be at least twenty feet in height above the surface of the ground, and shall be set and located on each side of said Bloomfield avenue and Valley road within and not more than one foot from the curb line at points and places as designated and shown on the maps on file with the Town Clerk of Montclair, to which maps, for greater certainty, reference is hereby made; and said maps are hereby for the purpose of showing the particular designation and location of said poles, declared to be

a part of this ordinance. Said poles shall be set or planted to a depth of not less than four feet in the ground, and the space around said poles to a distance of eight inches from the diameter of said poles, shall be filled with broken stone laid as concrete, compactly rammed so as to insure the permanence and stability of said poles.

SEC. 4. The span wires shall be of steel, and the trolley wires shall be at least eighteen feet from the ground, and when crossed by existing electric light, telephone and telegraph wires, shall be protected by guard wires properly insulated. The feed wires shall be strung from pole to pole and shall be properly insulated. The span and feed wires shall be at least eighteen feet from the ground.

SEC. 5. The rails to be used for said tracks upon the Bloomfield avenue line shall be street railway girder rails with flanged top of the weight of not less than eighty-five pounds to the yard, and the crossovers upon said line within the limits of said town shall be similar in size, length and construction to the crossovers now in use by the North Jersey Street Railway Company at the westerly line of the Borough of Glen Ridge; and the rails to be used for said tracks upon the Valley road line shall be what is known as the "Standard T rail," of a weight of not less than eighty-five pounds to the yard.

SEC. 6. The said location of said double and single tracks for said Bloomfield avenue and Valley road lines of street railway, and of crossovers, sidings, turnouts and switches and said location of poles for the support of the overhead system of trolley wires hereinbefore made, granted and designated, is shown in detail upon and is conformable to maps filed by the said North Jersey Street Railway Company with the Clerk of the said Town of Montclair, relating to said two lines of proposed street railway, to which for greater certainty reference is hereby made; and said maps are hereby, for the purpose of location of tracks and designation of poles, and for all other purposes explanatory of this ordinance, hereby declared to be a part of this ordinance.

SEC. 7. The space of one foot on each side of each rail on the Bloomfield avenue line shall be paved with first class level top trap rock block paving stones, properly laid, so as to facilitate the passing and crossing of vehicles over the pavements and rails. The remaining space between the rails and between the two tracks on the Bloomfield avenue line shall be laid with first-class level top

trap rock block pavement; and the space between the rails and turn-outs on the Valley road line shall be paved with first-class macadam to the depth of not less than eight inches, and said pavement and macadam shall be kept in good order and repair at all times at the expense of the said North Jersey Street Railway Company.

SEC. 8. The present telford pavement shall be removed from said Bloomfield avenue, and the space on each side of said avenue, where there is a double track, for a width of seventeen feet, more or less, measuring from the outside row of the above required trap rock block to the gutter line, shall be laid with telford pavement to a depth of one foot. The specifications for said pavement shall be prepared by the County Engineer of the County of Essex, to be approved by the Freeholders' Committee on Roads of said county, and said work shall be done under the direction and to the satisfaction and approval of the Board of Freeholders of the County of Essex, the said Company agreeing to comply in all other respects with the terms of the resolution of the Board of Chosen Freeholders of Essex County, passed at a regular meeting held February tenth, eighteen hundred and ninety-eight, granting permission to the North Jersey Street Railway Company to lay their tracks in the centre of Bloomfield avenue.

The present macadam pavement on Valley road shall be removed from said road, and the space on each side of the track of a width of not less than eleven feet on either side of said track, measuring from the outside rails, shall be paved with macadam pavement, said pavement to be laid according to specifications prepared by the Town Surveyor of the Town of Montclair, and shall be constructed and done in the best workmanlike manner and to the satisfaction of the Council of the Town of Montclair.

SEC. 9. The said company shall lay its rails to conform to the grades of Bloomfield avenue and Valley road at the time of the laying thereof, and in case of any change in the grade or of the surface of said Bloomfield avenue or Valley road, respectively, or any part thereof at any time, then the said company at its own expense and cost shall immediately on request made in writing by the Council of the Town of Montclair, so change the location of its tracks and the surface of such part of Bloomfield avenue or Valley road as the case may be, as to conform to such change of surface or change of grade or of any newly established grade.

All posts and poles, wires and overhead constructions made and constructed by said company within the Town of Montclair, shall be made, erected and constructed under the supervision and satisfaction of the Council of the Town of Montclair.

SEC. 10. During the construction of the said railway lighted lanterns shall be kept and maintained by said company from sunset to sunrise during each and every night, which lanterns shall be placed not more than one hundred feet apart along each part of said Bloomfield avenue and Valley road, where work of construction shall have been begun and not completed. The work shall be thoroughly protected in all other respects, so as to prevent accident; in case any accident should happen to any person or persons or damage of property is caused because of or by reason of any work connected with such construction of said railway or afterwards, or because of, or by reason of the operation thereof, or through the carelessness or negligence of any of the company's officers, servants, agents or employees, the said company shall indemnify and save the said Town of Montclair harmless from all costs, loss or damage by reason thereof.

SEC. 11. The North Jersey Street Railway Company shall sprinkle their tracks and roadway between the tracks within the Town of Montclair with water sufficient to keep said roadway free from dust from the first day of April to the first day of October in each year; and for this purpose the Town of Montclair agrees to furnish the said company the water required for such purpose free of charge; such water to be taken from a standpipe on the line of said railway, to be designated by the Council of the Town of Montclair.

SEC. 12. All cars operated by the said railway company through the Town of Montclair, or within the limits of said Town, shall be the best approved pattern and changed from time to time to meet modern requirements of street railway travel, and equipped with fenders of the most approved pattern, so attached to the car as best to protect from injury all persons on said avenue, street or road. Said cars shall also be provided with headlights, to be lighted at night, and proper gongs, which shall be rung at all side streets and cross-roads, so as to give proper warning of the approach of the car. All cars shall be comfortably heated in cold weather and lighted by electricity, kept clean and properly ventilated, and the platform of all cars shall be so arranged that from the first day of November to

the first day of April the front platform shall be enclosed for the protection of the motorman.

All cars shall be properly protected upon the sides of the platform by rails or gates, so that ingress or egress to and from said cars can only be had from the side of the car nearest the curb.

SEC. 13. Where said railway tracks shall pass over culverts or gutters, the bottom of which shall be below the grade line of said railway, iron girders or proper supports of the most approved pattern shall be provided by the company and such necessary bridges with proper drains shall be constructed across the tracks so as not to hinder or obstruct the flow of surface water underneath the tracks of said railway.

SEC. 14. The said railway company and their officers, servants, agents, or employees, shall not, nor shall any or either of them, be allowed to shovel, throw or place any snow, ice, slush, or any other material alongside the track or tracks of said company in any street or avenue in such manner as to obstruct other public travel thereon, but when removing such snow, ice, slush or any other material from said track or tracks, the said railway company, or its said officers, servants, agents or employees shall cause the same to be, without unnecessary delay, levelled between the said track or tracks and the gutter lines on each side thereof. In case the said railway company shall for twelve hours after snow has stopped falling neglect to carry out the provisions of this paragraph, the Superintendent of Roads of the Town of Montclair may give notice to said railway company to comply immediately with said provisions, and if the railway company shall remain in default for eight hours after said notice has been given, the Superintendent of Roads may have the necessary work done at the expense of said company, who will pay for same on demand.

SEC. 15. No salt shall be used by said company on any part of its tracks except on the heavy grades, curves and turnouts, without the consent of the Council of the Town of Montclair or the proper officers of said town, nor shall any car belonging to the said Railway Company be allowed to stand in or obstruct any cross street or stand on any crosswalk, except to receive or discharge passengers, nor to stand or remain in any one position upon the said street or avenue for more than five minutes at any one time, except when such car shall be unavoidably obstructed or detained without fault or

negligence of said railway company, or any of its officers, servants, agents or employees, under a penalty of ten dollars, to be paid by said company to the Town of Montclair with cost of collection for each and every violation of this section.

SEC. 16. The Council of the Town of Montclair in behalf of said town reserves the right to dig or excavate in and upon said streets, roads, or avenues for the purpose of laying, replacing, examining and repairing any sewer, water or gas pipes or for the purpose of making any other public improvements or doing any other public work whatsoever, and the said railway company shall have no recourse or claim to damages because of any detention to travel on the said railway arising therefrom, provided that said work shall be done as quickly as possible without causing unnecessary delay in the operation of said railway, and provided further, that if such work can be made or done in any feasible or practicable way without obstructing the operation of said railway, then such work must be done in such manner as to obstruct such operation as little as possible.

In case of fire the Fire Department of the Town of Montclair shall have the right, without notice and without compensaiton, to cut or remove any overhead wires of said railway company for the purpose of more readily and safely extinguishing said fire, if the same be deemed necessary by the Chief Engineer of the Fire Department.

SEC. 17. The said company shall remove any dirt, gravel or any other material or obstruction placed by it or its employees on said street or avenue within three days after the service on said company of written notice so to do by the said council of the Town of Montclair or its duly authorized agent. In case the company shall fail to remove such obstruction, and put the said road in as good order as before such obstruction was placed therein by said company, the said council may order the said work to be done at the expense of said railway company.

SEC. 18. All persons driving vehicles on any of the tracks of the said company, when met or overtaken by a car of the company, shall, on being warned by the ringing of a bell or gong, or by request of the motorman or conductor of said car, without unnecessary delay, turn and drive said vehicle off such track or tracks, so as to allow such car to pass by; it being understood that the cars of said company shall have the right of way over the tracks of said company,

and any persons violating this section shall be subject to a penalty or fine of five dollars to be recovered before the Recorder of said town.

SEC. 19. The rate of fares to be charged for each and every adult passenger riding on the cars of said North Jersey Street Railway Company shall be as follows:

For each passenger from any point in the Town of Montclair to any other point in the Town of Montclair, five cents, and necessary transfers shall be given to make this effective.

For each passenger from any point in the Town of Montclair to any point on the Bloomfield avenue line in the Borough of Glen Ridge or the Township of Bloomfield, five cents.

For each passenger from any point in the Town of Montclair on the Bloomfield avenue line to any point on the Bloomfield avenue line in the Township of Verona, five cents.

For each passenger on the Bloomfield avenue line to any point between the Township of Bloomfield and the Market street station in the City of Newark, from any point west of St. Luke's place, in the Town of Montclair, the sum of ten cents; and from any point east of said St. Luke's place, the sum of six cents until such time as the Borough of Glen Ridge shall agree to accept in lieu of compensation a five cent fare to or from Newark; and thereafter the fare between St. Luke's place and Market street station shall be forthwith reduced to five cents; and in the meantime and beginning from the commencement and first operation of the line on Bloomfield avenue in the Town of Montclair, the said North Jersey Street Railway Company shall pay to the Town of Montclair compensation at the rate of two thousand dollars per year, and at the said rate for any shorter period during which the said fare of six cents between St. Luke's place and the Market street station shall be collected; such payment to be made semi-annually; which compensation to the Town of Montclair shall cease when and so soon as said six cent fare from St. Luke's place to the Market street station shall be reduced to five cents.

Between any point in the Town of Montclair on the line of said railway on Valley road, and any point on the Bloomfield avenue line of said company in the City of Newark terminating at the Market street station, the fare shall be ten cents until January first, 1901, and thereafter shall be eight cents.

Excursion tickets, from Montclair to the City of Newark and return, with transfer coupons attached, good each way upon any line of the Consolidated Traction Company in the City of Newark, shall be furnished by said North Jersey Street Railway Company to any passenger requesting the same for the sum of two cents in addition to the fares as above fixed respectively.

The fares to be charged for school children under sixteen years of age during the days while schools in said town are in session, shall be at the rate of thirty-three tickets for the sum of one dollar, which tickets shall be sold to any scholar under the age of sixteen years whose attendance at the schools in said town shall be certified by the principal in charge of the various schools at which said scholars respectively shall attend, and said tickets shall be good between the hours of 7:45 a. m. and 5 p. m. during the days when said schools are in session.

SEC. 20. All cars on the Bloomfield avenue line in the Town of Montclair shall make a continuous trip from the Market street depot in the City of Newark and St. Luke's place in the Town of Montclair; and during the summer months at least every fourth car run over the Bloomfield avenue line shall be of a pattern known as "a closed passenger car."

The cars on the Bloomfield avenue line east of St. Luke's place, shall be run from six o'clock in the morning until eight o'clock at night on a headway of ten minutes, and from eight o'clock at night until ten o'clock at night at a headway of twenty minutes; and from ten o'clock at night to one o'clock in the morning at a headway of thirty minutes; the last car to leave each terminus not earlier than one o'clock a. m.

The cars on the Valley road line shall run on a headway of fifteen minutes from six o'clock in the morning until eight o'clock at night, and from eight o'clock at night until one o'clock in the morning at a headway of thirty minutes, the last car to leave the northern terminus of the Valley road line at one o'clock in the morning.

Said cars shall be run at a speed not exceeding eight miles an hour in said Town of Montclair, and the Council of the Town of Montclair reserves the right to further reasonably regulate the headway and speed at which the cars shall run along any part of the said routes within the Town of Montclair.

SEC. 21. All cars operated by the said railway company shall come

to a full stop at the several points or places where the railroad track or tracks of said company or the track or tracks of any railroad line, owned, controlled or operated by it or its successors or assigns shall or may cross or intersect the track or tracks of any street railroad or of any steam railroad within the Town of Montclair before passing over any such crossing or intersecting track or tracks.

SEC. 22. Whenever a motive power which shall do away with overhead wires shall be found practicable and in successful operation in any municipality in the United States of **not** greater population than the Town of Montclair or its successors, the North Jersey Street Railway Company or its successors shall on six months' notice in writing, to be given by the Council of the Town of Montclair or its successors, forthwith change its motive power upon its line within the Town of Montclair or its successors, to such motive power as may be in use in such other municipality; and when such change is made, said railway company shall proceed immediately to remove all poles and overhead wires from the street or streets, avenue or avenues, over and through which their tracks, poles and wires may have been placed.

SEC. 23. The said company shall complete the construction of both its said railways, and said railways, including the Valley road line, shall be put in operation simultaneously within one year from the passage of this ordinance; otherwise all the rights, powers and privileges hereby granted, and every one of them, may by declaration of the council, become null and void, unless for good cause shown the council of said town shall extend said time.

SEC. 24. The provisions, terms and conditions of this ordinance shall be binding upon the successors of the said North Jersey Street Railway Company as well as upon the said company as now constituted.

SEC. 25. The rights and privileges hereby given, so far as the same relate to the Valley road line, shall continue until the first day of January, nineteen hundred and thirty-eight; the right being reserved by the town council to purchase at the expiration of said term, or any subsequent forty-year period, the said line of street railway on Valley road, consent and permission to construct which is hereby given, and the appurtenances therewith, including the overhead wire and poles, from the said company at the actual initial cost to the said company of the construction of the said Valley road line in this ordi-

nance described, including the additional cost of changing the motive power if required, pursuant to Section 22 of this ordinance; PROVIDED, however, in the event of the purchase of said line by the Town of Montclair, if the motive power has been changed and the use of overhead poles and wires thereby dispensed with, the original cost of such poles and wires shall not be included as a part of the initial cost of construction of said line. And the said company shall file with the Clerk of said town, within sixty days after the completion of the Valley road line, a statement of the actual cost of the construction thereof, specifying in detail the items thereof, which statement shall be verified by the oath of the Treasurer of said company; and in case of the change of motive power, at the request of the Council of the Town of Montclair or its successors, the said North Jersey Street Railway Company or its successors shall file with the Clerk of said town, within sixty days after the completion of said change of motive power, a statement of the actual cost of the construction thereof, specifying in detail the items thereof, which statement shall also be verified by the oath of the Treasurer of said company.

In case the Council determines to make such purchase, the payment for said purchase shall be made to the said company, its successors or assigns, on or before the said first day of January, nineteen hundred and thirty-eight, and on any purchase by the said town, or its successors, all rights of said railway company on said line shall cease and determine; and it is agreed on the part of the said Town Council that notice shall be given to the said company, or its successors or assigns, on or before the first day of July, nineteen hundred and thirty-seven, of the intention of the said Town Council to purchase the said line of tracks by virtue of the rights reserved by this section, it being further agreed and ordained that if, on the first day of July, nineteen hundred and thirty-seven, the said Town Council shall not have determined to purchase the said line, that there shall then be a readjustment of the terms and conditions under which the said company, or its successors or assigns, may continue to enjoy the franchise upon said line for another term of forty years, and further at the expiration of each and every forty years' period thereafter the said town shall have the right of purchase on the same terms, or at its option there shall be a readjustment of terms and conditions, and a further extension of said franchises for a new and

further period of forty years; that in such adjustment there may be considered and determined the rates of fare to be charged by the said company, or its successors or assigns, for the carrying of passengers within the limits of the Town of Montclair as now constituted, and for the carrying of passengers between the said Town of Montclair and the City of Newark, or other adjoining municipalities, and also an adjustment of the compensation, if any, to be paid by the said company to the Town of Montclair, or its successors, if in the judgment of the then existing Council, or other governing body, such readjustment shall be desired for the public good and warranted by the number of passengers carried by said company upon said line, at the respective adjustment dates as herein fixed; the aforesaid determination of the said Council, or other governing body, herein provided for, to be manifested by resolution passed by a majority vote of its members, of which said action the said company shall have ten days' notice before final adoption. Upon the adoption of said resolution, the said Council, or other governing body, and the said North Jersey Street Railway Company, or its successors, shall immediately proceed to make the readjustment herein provided for, and in case the said Council, or its successors, and the North Jersey Street Railroad Company, or its successors, shall not be able to agree upon the terms of said adjustment, or readjustment as the case may be, within two months from the date of the adoption of said resolution as herein provided, the said Council, or other governing body, and the said North Jersey Street Railway Company, or its successors, shall each forthwith choose an arbitrator, and the two so chosen shall select a third, who shall not reside within the limits of the Town of Montclair as now constituted, nor be in any way interested in said railway company, or its successors, and the decision of a majority of the persons constituting the Board of Arbitrators as aforesaid shall be binding upon both the said Council, or other governing body, and the said railway company, or its successors, as to the matters of adjustment, or readjustment, as the case may be, contemplated by this section, and in case the said North Jersey Street Railway Company, or its successors, shall fail to choose an arbitrator as herein provided, the said Council, or other governing body, shall have power to make such adjustment or readjustment, and the same, when so made, shall be binding upon the North Jersey Street Railway Company, or its successors, in like manner as if made

by arbitrators as herein set out; provided, however, that neither the said arbitrators nor said Council, or other governing body, shall increase the fares to be charged by said railway company, or its successors, beyond the rates fixed by this ordinance. The expense of the arbitrator, or arbitrators, contemplated by this section, if found necessary, shall be borne by the Town of Montclair, or its successors, and the said company, or its successors, in equal proportion.

SEC. 26. All expenses incident to the adoption and printing of this ordinance, as well as the public hearings required by law, preliminary thereto, shall be borne by said company, and this ordinance shall not go into effect until the North Jersey Street Railway Company shall have executed in duplicate, under its corporate seal, duly attested and approved or acknowledged at the foot, as a true copy of the ordinance, an acceptance thereof in these terms: "The North Jersey Street Railway Company hereby agrees to all the terms, conditions and restrictions in the foregoing ordinance set forth," and shall file one of the duplicate agreements with the Town Clerk and another with the Clerk of Essex County, within ten days after the passage hereof.

Adopted April 20th, 1908.

Supplement to an Ordinance entitled "Ordinance Designating the Streets and Highways in the Town of Montclair, in the County of Essex, in which the Posts, Poles and Conduits of the Montclair and Bloomfield Telephone Company shall be placed, and prescribing the manner of placing the same and Regulating the use of the Streets and Highways by said Company." Adopted September 28th, 1896.

WHEREAS, By Section 1 of the ordinance to which this ordinance is a supplement, it was provided that no poles should be erected by said The Montclair and Bloomfield Telephone Company within the streets of that section of said town of Montclair bounded on the north by and including Chestnut street, on the east by and including Grove and Elm streets, on the south by and including Orange road and on the west by and including Valley road, nor should any poles be erected by said company on that portion of Valley road from

Cooper avenue to Inwood avenue nor on that portion of Bellevue avenue from Mountain avenue to Park street, and

WHEREAS, It is necessary for the operation of an underground system of telephonic communication that distributing poles be erected and maintained at certain points.

SECTION 1. Now, therefore, be it ordained by the Council of the Town of Montclair, in the County of Essex, that The Montclair and Bloomfield Telephone Company be, and it is hereby authorized and empowered, subject to the provisions of this ordinance, to construct, maintain and operate, for the uses and purposes of its business, a system of electrical conductors for distribution from the electrical conductors heretofore placed and to be hereafter placed in its subways, cables or underground conduits within the prohibited area referred to in the preamble of this ordinance; provided, however, that no pole shall at any time be erected in or upon any of the streets, avenues or other highways within said prohibited area or district, except with the written consent of the abutting property owners and the Council in conformity with this ordinance. All poles erected by said company by virtue of this ordinance shall be straight poles, finished smooth and painted with at least two coats of a good paint of a color approved by the Council, and repainted not less than once in three years, and shall be used for distributing purposes only. The consents of the property owners for the erection of poles shall be in writing or print, and shall particularly specify the location and dimensions of such pole or poles and the maximum number of crossarms which may be affixed thereto. Before any pole shall be erected on any street, highway or public place of said town, a permit shall also be obtained from the Superintendent of Roads for the erection thereof. All aerial wires erected hereunder shall be not less than twenty feet above the ground.

SEC. 2. Three telephones, in addition to those mentioned in Section 9 of the ordinance to which this ordinance is a supplement, with complete apparatus and fixtures, shall be supplied and maintained, and full telephone service shall be rendered by the said company free of charge to the Town of Montclair, to be used for town purposes, in such places as shall from time to time be indicated by the Town Council of the Town of Montclair.

SEC. 3. And be it further ordained, that said company shall pay

into the Town Treasurer all advertising, printing or other fees incurred by the town under or in respect to this ordinance.

SEC. 4. And be it further ordained, That the said company shall file with the Town Clerk its acceptance of this ordinance within twenty days from the date of its passage.

SEC. 5. And be it further ordained, That the adoption of this ordinance and its acceptance by said company shall in no respect be construed to change, alter or amend any of the terms, stipulations or conditions of the ordinance to which this ordinance is a supplement, except as in and by this ordinance such terms and conditions are expressly altered or modified.

Adopted September 12th, 1898.

An Ordinance to provide for a Board of Assessors in the Town of Montclair, pursuant to the provisions of an Act, entitled "A Supplement to an Act entitled 'An Act Providing for the Formation, Establishment and Government of Towns,' approved March 7th, 1895," which Supplemental Act was approved March 23d, 1899.

I. Be it ordained by the Council of the Town of Montclair, in the County of Essex, that there is hereby created a Board of Assessors to consist of three members, two of whom shall be appointed by the Council upon nomination of the Councilman-at-Large, no more than one of whom shall be from the same ward and except as herein provided, shall hold their office for the period of two years and until their successors are appointed and shall have qualified; and the other member shall be elected by the legal voters of this town, and shall hold his office for the term of three years from the date of his election; and the Assessor first elected in the town by the legal voters thereof, after the adoption of this ordinance, shall be deemed and held to be the member of said Board of Assessors, to be elected pursuant to the provisions hereof; the first appointments to be one for one year and the other for two years; and thereafter, one member of such Board shall be appointed annually for the term of two years; the first appointments are to take effect on the second Tuesday of April next, and each member of said Board shall give a bond to the town of

Montclair, in the County of Essex, in the penal sum of one thousand dollars, with sufficient sureties, for the faithful performance of his duties, and shall receive such compensation for his services as the Council may by ordinance prescribe.

II. And be it ordained, that the said Board of Assessors shall perform the duties now devolving or which may hereafter devolve by law upon the Assessor of Taxes in the Town of Montclair, and shall also perform the duties now devolving or which may hereafter devolve by law upon the Commissioners of Assessment for the Town of Montclair, in accordance with the Act of the Legislature, of the State of New Jersey, entitled "A Supplement to an Act entitled 'An Act Providing for the Formation, Establishment and Government of Towns,' approved March 7th, 1895," which supplemental act was approved March 23d, 1899, by virtue of which this ordinance is adopted; provided that the passage of this ordinance shall in no wise affect assessments heretofore assessed or now being imposed, and for which Commissioners have been appointed.

Adopted March 30th, 1899.

An Ordinance to grant consent and permission to the North Jersey Street Railway Company to construct, operate and maintain a single track Electric Street Railway on Elm street and a portion of Orange road, in the Town of Montclair, in the County of Essex, to be operated by the overhead or trolley system, and to locate the route thereof, and the tracks of said Railway conformably to said route, and prescribing the terms and considerations upon which such consent and permission are granted.

WHEREAS, The North Jersey Street Railway Company, a corporation of the State of New Jersey, organized under an act entitled "An act to authorize the formation of traction companies for the construction and operation of street railways, or railroads operated as street railways, and to regulate the same," approved March fourteenth, eighteen hundred and ninety-three, and the supplements thereto, having first filed in the office of the Secretary of State a description of the route of the line of railway upon Elm street and a portion

of Orange road in the Town of Montclair, showing the termini thereof, together with maps exhibiting the same, has presented its petition to the Council of the Town of Montclair, in the County of Essex, for consent to construct, operate and maintain a single track electric street railway within the limits of said Town of Montclair upon Elm street and a portion of Orange road in the Town of Montclair aforesaid, and filed the same with the Clerk of said town, together with the map or description of said route, showing also the proposed location of the rails or tracks and the location of the poles or conduits, praying the said Council for consent and permission to said company to construct, operate and maintain a single track street railway to be operated by electricity by the overhead or trolley system, in, over and upon Elm street and a portion of Orange road, two of the roads, streets and highways of the said Town of Montclair, and for consent as to the location of the route of said line of railway, and also for a location of the tracks, rails, sidings, cross-overs, turn-outs, switches, poles and wires of said line of railway conformably to said route filed in the office of the Secretary of State of New Jersey, as is set out in said petition, which petition was duly filed with the Clerk of the Town of Montclair, the twelfth day of September, eighteen hundred and ninety-eight, as appears by indorsement thereon, and the said Council of the Town of Montclair, in the County of Essex, at their meeting on said twelfth day of September, eighteen hundred and ninety-eight, having by resolution then duly passed, fixed and appointed Monday, the third day of October, eighteen hundred and ninety-eight, at eight o'clock in the evening of that day, in the Council rooms in said Town of Montclair, as the time and place when and where the said application or petition would be considered by them, and directing that an opportunity be then given to all persons interested to be heard, respecting the same, and having in said resolution also directed that public notice of said application and of said hearing be given by publication of a notice of said meeting in the Montclair Times and Montclair Herald, newspapers circulating in said Town of Montclair, and by posting a copy of said notice in five of the most public places in said town for at least fourteen days before said meeting of the Council, which notice of said meeting was duly published in the Montclair Times and in the issues of said newspaper published on September seventeenth and September twenty-fourth, eighteen hundred and ninety-eight; also

in the Montclair Herald in the issues of said newspaper published on September fifteenth, twenty-second and twenty-ninth, eighteen hundred and ninety-eight, also duly posted in five of the most public places in said town, for at least fourteen days before said meeting of the Council, as appears by affidavits on file with the Town Clerk, and

WHEREAS, At the time and place appointed by said resolution and stated in said notice, to wit, on Monday, the third day of October, eighteen hundred and ninety-eight, at eight o'clock in the evening of that day, at the Council rooms in the Town of Montclair, the Council of the Town of Montclair did meet pursuant to their said resolution and for the purpose aforesaid, at which meeting a quorum of said Council were present, and did then proceed to give a public hearing to all persons appearing and desiring to be heard, in favor of, or opposed to, or in any wise interested in the said application made by said North Jersey Street Railway Company, and the consents of property owners along said route, as required by law, having been filed with the Town Clerk, and the said matter having been fully considered by said Council:

Now, therefore, be it ordained by the Council of the Town of Montclair, in the County of Essex, that consent be and is hereby given to said route of said railway as described in said petition, and that the tracks or route for a single track street railway of the said North Jersey Street Railway Company be and they are hereby located in said Town of Montclair in the County of Essex, described as follows:

Beginning at a point of connection with the tracks on Bloomfield avenue in the said Town of Montclair, at or near the intersection of Elm street with said avenue, and in such manner as to make proper connections therewith, and running thence southerly to the intersection of Bloomfield avenue and Elm street; thence in, through and along said Elm street the various distances thereof to a point at or near the center line of Orange road; thence in, through and along said Orange road the various directions and distances thereof to a point where the said Orange road crosses the dividing line between the said Town of Montclair and the City of Orange and there terminating.

And that permission and consent is hereby given to the said North Jersey Street Railway Company to construct, operate and maintain

a single track street railway for the transportation of passengers only, upon the route hereinbefore described, and also permission and consent to construct the necessary sidings, crossovers, turnouts and switches along said line of railway, and to erect the necessary and proper poles in said Elm street and portion of Orange road, and public places, for sustaining the necessary wires to convey the electricity to the motors to propel the cars of said company over said tracks, and also consent and permission to erect and string the necessary wires upon the aforesaid poles, and to operate the cars upon the said railway by use of electricity as the propelling power of said cars, provided that no locomotive or other engine moving on its rails propelled by steam shall be used on said railway tracks in said Town of Montclair. The location of tracks and crossovers and consent to said route and permission for the construction, maintenance and operation of said railway, and of said overhead system of poles and trolley wires hereinbefore granted is given and granted upon the terms, conditions, limitations and restrictions contained in the provisions of the following sections of this ordinance:

SECTION 1. The location of the tracks of the said railway on said Elm street and portion of Orange road, respectively, in the Town of Montclair, shall be as follows:

The said tracks shall be laid in and along the central portions of said Elm street and Orange road and an equal distance from the centre lines thereof, excepting at curves or angles where the same shall be laid as hereinafter described; and the gauges of said tracks shall be four feet eight and one-half inches. The said centre lines on Elm street and Orange road, respectively, from the junction of the double track street railway on Bloomfield avenue, southerly to the town line, are described as follows:

Beginning at a point in centre line of Bloomfield avenue bearing south thirty-one degrees forty-nine minutes west as established by the Essex Public Road Board in the Town of Montclair, said point being distant measuring north forty-two degrees twenty-three minutes east forty-one and fifty-seven hundredths feet from a monument stone set in the intersection of centre line of Elm street with southwesterly line of Bloomfield avenue; thence running along centre line of Elm street south forty-two degrees twenty-three minutes west twelve hundred and sixty-four and fifty-seven hundredths feet; thence south thirty-eight degrees fifteen minutes west eighteen

hundred and eighty-nine feet to a point in centre line of Orange road, said point being distant measuring north thirty-eight degrees fifteen minutes east eleven and eight hundredths feet from a monument stone set in the intersection of centre line of Elm street with the former centre line of Orange road; thence running southerly along centre line of Orange road (as established by Commissioners of Roads for Township of Montclair, January third, eighteen hundred and ninety-one), curving to the west seven degrees forty-eight minutes tangent to a course south twenty-eight degrees eight minutes east with a radius of eighteen hundred and sixty-eight and thirty-three hundredths feet for a distance of two hundred and fifty-four and thirty-four hundredths feet; thence southerly curving to the west tangent to last curve twenty-four degrees and fifty-eight minutes with a radius of five hundred and seventy-three and sixty-seven hundredths feet for a distance of two hundred and fifty feet; thence southerly curving to the west tangent to last curve nine degrees and twelve minutes with a radius of thirty-seven hundred and thirty-seven feet for a distance of six hundred feet; thence south thirteen degrees fifty minutes west seventy-five feet; thence southerly curving to the east tangent to last course four degrees and forty-eight minutes with a radius of twenty-two hundred and fifteen and fifty hundredths feet for a distance of one hundred and eighty-five and fifty hundredths feet; thence south nine degrees five minutes west three hundred and thirty-nine and forty-two hundredths feet; thence southerly curving to the east, tangent to last course ten degrees, with a radius of thirteen hundred and sixty-four and seventy-five hundredths feet for a distance of two hundred and thirty-eight and eight hundredths feet; thence south fifty-five minutes east three hundred and seventy-seven and thirty-four hundredths feet; thence south two degrees forty-two minutes east seven hundred and forty-seven and fifty hundredths feet; thence southerly curving to the west tangent to last course twenty degrees and sixteen minutes with a radius of nine hundred and eighteen and eighty-four hundredths feet for a distance of three hundred and twenty-five feet; thence south seventeen degrees thirty-four minutes west three hundred and fifteen and thirty-four hundredths feet; thence southerly curving to the west tangent to last course nine degrees and twenty minutes with a radius of twenty-one hundred and forty-nine feet for a distance of three hundred and fifty feet;

thence southerly curving to the east tangent to last curve seven degrees and eight minutes with a radius of eleven hundred and two feet for a distance of one hundred and fifty feet; thence southerly curving to the east tangent to last curve fourteen degrees and forty-six minutes with a radius of six hundred and five and forty-two hundredths feet for a distance of one hundred and fifty-five and eighty-four hundredths feet; thence south five degrees west three hundred and eighty-seven and sixteen hundredths feet; thence south two degrees and seven minutes west four hundred and thirty-six and fifty hundredths feet; thence southerly curving to the east tangent to last course thirty-three degrees and thirty-eight minutes with a radius of two hundred and sixty-three and ninety-two hundredths feet for a distance of one hundred and fifty-four and eighty-four hundredths feet; thence south thirty-one degrees and thirty-one minutes east one hundred and sixty-seven and forty-two hundredths feet to a monument stone set in centre of stone arch bridge over Nishuane brook and ending there, said ending point being in the intersection of the boundary lines of the Town of Montclair, Borough of Glen Ridge, Township of East Orange and City of Orange.

And the courses and distances of the centre line of said line of single track railway upon Elm street and Orange road, including the switches and turnouts, as hereby located, are described as follows:

Beginning at a point in Bloomfield avenue distant measuring at right angles north fifty-eight degrees eleven minutes east four and fifty-two hundredths feet from centre line of said avenue, as established by the Essex Public Road Board through the Town of Montclair, said beginning point being distant measuring north twenty-seven degrees three minutes west fifty-four and forty-two hundredths feet from the intersection of centre line of Elm street with centre line of Bloomfield avenue; thence running southerly curving to the west seventy-four degrees and twelve minutes tangent to a line parallel with centre line of Bloomfield avenue with a radius of seventy feet for a distance of ninety and sixty-five hundredths feet to a point in centre line of Elm street; thence running along centre line of Elm street tangent to last curve south forty-two degrees twenty-three minutes west nine and forty hundredths feet to switch number one;

Also a second track, beginning at a point in said Bloomfield avenue distant measuring at right angles south fifty-eight degrees

eleven minutes west four and fifty-two hundredths feet from centre line of Bloomfield avenue as established, said beginning point being distant measuring north thirty-six degrees forty-nine minutes west fifty-one and eighty-four hundredths feet from the intersection of centre line of Elm street with centre line of Bloomfield avenue; thence running southerly on a curve to the west seventy-four degrees and twelve minutes tangent to a line parallel with centre line of Bloomfield avenue with a radius of seventy feet for a distance of ninety and sixty-five hundredths feet to a point in centre line of Elm street at switch No. one; thence running along centre line of Elm street tangent to last curve south forty-two degrees twenty-three minutes west eleven hundred and ninety-four and thirty-hundredths feet; thence southerly curving to the east four degrees and eight minutes tangent to last course with a radius of three hundred and fifty feet for a distance of twenty-five and twenty-six hundredths feet; thence running south thirty-eight degrees fifteen minutes west along centre line of Elm street tangent to last curve thirteen hundred and twenty-nine and seventy-seven hundredths feet to switch No. two; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the east six degrees and fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence south thirty-eight degrees and fifteen minutes west tangent to last curve one hundred feet; thence southerly curving to the east six degrees and fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet to switch No. three, in centre line of Elm street.

Also a second track described thus: Beginning at said switch No. two; thence southerly curving to the east six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hun-

dred and fifty feet for a distance of forty-two and forty hundredths feet; thence south thirty-eight degrees fifteen minutes west tangent to last curve one hundred feet; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the east six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet to switch No. three in the centre line of Elm street; thence running along the centre line of Elm street south thirty-eight degrees fifteen minutes west tangent to last curve two hundred and twenty and forty-one hundredths feet; thence southerly curving to the east sixty-five degrees tangent to last course with a radius of seventy-one feet for a distance of eighty and fifty-eight hundredths feet to the centre line of Orange road; thence southerly along centre line of Orange road curving to the west six degrees and twenty-five minutes tangent to last curve with a radius of eighteen hundred and sixty-eight and thirty-three hundredths feet, for a distance of two hundred and nine and thirty-four hundredths feet; thence southerly along centre line of Orange road curving to the west twenty-four degrees and fifty-eight minutes tangent to last curve with a radius of five hundred and seventy-three and sixty-seven hundredths feet for a distance of two hundred and fifty feet; thence southerly along centre line of Orange road curving to the west nine degrees twelve minutes tangent to last curve with a radius of thirty-seven hundred and thirty-seven feet for a distance of six hundred feet; thence south thirteen degrees fifty minutes west along centre line of Orange road tangent to last curve seventy-five feet; thence southerly along centre line of Orange road curving to the east four degrees forty-eight minutes tangent to last course with a radius of twenty-two hundred and fifteen and fifty hundredths feet for a distance of one hundred and eighty-five and fifty hundredths feet; thence south nine degrees five minutes west along centre line of Orange road tangent to last curve three hundred and thirty-nine and forty-two hundredths feet; thence southerly along centre line of Orange road curving to the east ten degrees tangent to last course with a radius of thirteen hundred and sixty-four and seventy-five hundredths feet for a distance of two hundred and thirty-eight and eight hundredths feet; thence

south fifty-five minutes east along centre line of Orange road tangent to last course three hundred and seventy-one and ninety hundredths feet; thence southerly curving to the east one degree forty-seven minutes tangent to last course with a radius of three hundred and fifty feet for a distance of ten and eighty-eight hundredths feet to the centre line of Orange road; thence south two degrees forty-two minutes east along centre line of Orange road tangent to last curve forty-seven and eighty-three hundredths feet to switch No. four; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the east six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence south two degrees forty-two minutes east tangent to last curve one hundred feet; thence southerly curving to the east six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet to the centre line of Orange road at switch No. five.

Also a second track described thus: Beginning at said switch No. four, thence southerly curving to the east six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence south two degrees forty-two minutes east tangent to last curve one hundred feet; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the east six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet to switch No. five in centre line of Orange road; thence south two degrees forty-two minutes east along centre

line of Orange road four hundred and twenty-four and ninety-seven hundredths feet; thence southerly along centre line of Orange road curving to the west twenty degrees sixteen minutes tangent to last course with a radius of nine hundred and eighteen and eighty-four hundredths feet for a distance of three hundred and twenty-five feet; thence south seventeen degrees thirty-four minutes west along centre line of Orange road tangent to last curve three hundred and fifteen and thirty-four hundredths feet; thence southerly along centre line of Orange road curving to the west nine degrees twenty minutes tangent to last course with a radius of twenty-one hundred and forty-nine feet for a distance of three hundred and fifty feet; thence southerly along centre line of Orange road curving to the east seven degrees and eight minutes tangent to last curve with a radius of eleven hundred and two feet for a distance of one hundred and fifty feet; thence southerly along centre line of Orange road curving to the east fourteen degrees forty-six minutes tangent to last curve, with a radius of six hundred and five and forty-two hundredths feet for a distance of one hundred and fifty-five and eighty-four hundredths feet; thence south five degrees west along centre line of Orange road tangent to last curve three hundred and seventy-eight and thirty-six hundredths feet; thence southerly curving to the east two degrees fifty-three minutes tangent to last course with a radius of three hundred and fifty feet for a distance of seventeen and sixty hundredths feet to centre line of Orange road; thence south two degrees seven minutes west along centre line of Orange road tangent to last curve one hundred and sixty and forty-four hundredths feet to switch No. six; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the east six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence south two degrees seven minutes west tangent to last curve one hundred feet; thence southerly curving to the east six degrees fifty-six and one-half minutes tangent to last course, with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to a last curve with a radius of three hundred and fifty feet for a distance of

forty-two and forty hundredths feet to centre line of Orange road at switch No. seven.

Also a second track described thus: Beginning at switch No. six; thence southerly curving to the east six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence south two degrees seven minutes west tangent to last curve one hundred feet; thence southerly curving to the west six degrees fifty-six and one-half minutes tangent to last course with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet; thence southerly curving to the east six degrees fifty-six and one-half minutes tangent to last curve with a radius of three hundred and fifty feet for a distance of forty-two and forty hundredths feet to switch No. seven in centre line of Orange road; thence southerly along centre line of Orange road curving to the east thirty-three degrees thirty-eight minutes tangent to last curve with a radius of two hundred and sixty-three and ninety-two hundredths feet for a distance of one hundred and fifty-four and eighty-four hundredths feet; thence south thirty-one degrees thirty-one minutes east along centre line of Orange road tangent to last curve one hundred and sixty-seven and forty-two hundredths feet to a monument stone set in the centre of a stone arch bridge over Nishuane brook and ending there, said ending point being in the intersection of the boundary lines of the Town of Montclair, Borough of Glen Ridge, Township of East Orange and City of Orange.

SEC. 2. The sidings and turnouts on said railway shall be two hundred and seventy feet in length, and shall be placed and located as stated in the foregoing description.

SEC. 3. The poles to be used for the equipping of said line of street railway for operation by electricity shall be of iron similar to those used by North Jersey Street Railway Company in the construction of its line of street railway upon Bloomfield avenue in the Town of Montclair; said poles shall be at least twenty feet in height above the surface of the ground, and shall be set and located on each side of said Elm street and Orange road within and not more than one foot from the curb line at points and places as designated

and shown on the map on file with the Town Clerk of Montclair, to which map, for greater certainty, reference is hereby made; and said map is hereby, for the purpose of showing the particular designation and location of said poles, declared to be a part of this ordinance. Said poles shall be set or planted to a depth of not less than four feet in the ground, and the space around said poles to a distance of eight inches from the diameter of said poles shall be filled with broken stone laid as concrete, compactly rammed, so as to insure the permanence and stability of said poles.

SEC. 4. The span wires shall be of steel and the trolley wires shall be at least eighteen feet from the ground and when crossed by existing electric light, telephone or telegraph wires shall be protected by guard wires properly insulated. The feed wires shall be strung from pole to pole and shall be properly insulated. The span and feed wires shall be at least eighteen feet from the ground.

SEC. 5. The rails to be used for said tracks shall be street railway girder rails, with flange top, of the weight of not less than eighty-five pounds to the yard, and the crossovers to be used within the limits of said town shall be similar in size, length and construction to the crossovers now in use by the North Jersey Street Railway Company at Saint Luke's place, and said location of said tracks and said crossovers, sidings, turnouts and switches, and said location of poles for the support of the overhead system of trolley wires hereinbefore made, granted and designated, is shown in detail upon, and is conformable to, a map filed by said North Jersey Street Railway Company with the Clerk of said town, to which, for greater certainty, reference is hereby made, and said map is hereby, for the purpose of designation and location, declared to be a part of this ordinance.

SEC. 6. The said location of said tracks for said line of street railway, and of crossovers, sidings, turnouts and switches, and said location of poles for the support of the overhead system of trolley wires hereinbefore made, granted and designated, is shown in detail upon and is conformable to a map filed by the said North Jersey Street Railway Company with the Clerk of the said Town of Montclair, relating to said line of proposed street railway, to which for greater certainty reference is hereby made; and said map is hereby for the purpose of location of tracks and designation of poles, and for all other purposes explanatory of this ordinance, hereby declared to be a part of this ordinance.

SEC. 7. The space of one row on each side of each rail shall be paved with new first-class level trap rock block paving stones, properly laid so as to facilitate the passing and crossing of vehicles over the pavement and rails.

The remaining space between the rails and turnouts or switches shall be laid with new first-class trap rock oblong block pavement on concrete bed, similar to that recently laid in Kearny Township, and said pavement shall be kept in good order and repair at all times at the expense of the said North Jersey Street Railway Company.

SEC. 8. The present telford pavement on Elm street and portion of Orange road, respectively, shall be removed from said streets and a space on each side of the track of a width of not less than eleven feet on either side of said track, measuring from the outside of the rail, shall be laid with telford pavement to a depth of eight (8) inches, according to specifications prepared by the Town Surveyor of the Town of Montclair, and shall be constructed and done in the best workmanlike manner and to the satisfaction of the Council of the Town of Montclair.

The said North Jersey Street Railway Company shall furnish and lay a 24-inch stoneware pipe in line of the south gutter on Bloomfield avenue, from the corner of Elm street to the culvert at Mullins' stable, and shall also construct two receiving basins with connections to the said pipe at the corners of Bloomfield avenue and Elm street, these basins to be similar in design and construction to those constructed by said company on Bloomfield avenue, and shall also lay a cobble gutter each side of turnouts. Said North Jersey Street Railway Company shall relay all cross walks taken up or disturbed by any of the constructions herein mentioned.

Said North Jersey Street Railway Company shall also lay a gutter four feet wide on the west side of Elm street from Bloomfield avenue southerly to Hawthorne place; and said North Jersey Street Railway Company shall also lay a gutter four feet wide on both sides of Orange road from the Rosedale Cemetery gates to the brook on the dividing line between the Town of Montclair and the City of Orange, and shall also properly connect such gutter with said brook.

The said gutters to be laid with good, sound, hard, waterworn stone, not more than 6 inches in diameter, each stone to be laid with its longest side down well rammed on a bed of sand to a proper line grade and dish.

SEC. 9. The said company shall lay its rails to conform to the respective grades of Elm street and Orange road at the time of the laying thereof; and in case of any change in the grade or of the surface of the said Elm street or Orange road, respectively, or any part thereof at any time, then the said company at its own expense and cost shall immediately on request made in writing by the Council of the Town of Montclair, so change the location of its tracks and the surface of such part of Elm street or Orange road as the case may be, as to conform to such change of surface or change of grade or of any newly established grade. And, if, in the judgment of the Town Engineer, it shall be deemed advisable to change the present grade of Orange road between Draper terrace and Washington avenue by lowering the same not to exceed six inches, the said company will construct the said telford road and track construction to conform thereto.

SEC. 10. During the construction of the said railway lighted red lanterns shall be kept and maintained by said company from sunset to sunrise during each and every night, which lanterns shall be placed not more than one hundred feet apart along each part of said Elm street and Orange road where work of construction shall have been begun and not completed. The work shall be thoroughly protected in all other respects, so as to prevent accident; in case any accident should happen to any person or persons or damage of property be caused because of or by reason of any work connected with such construction of said railway or afterward, or because of, or by reason of the operation thereof, or through the carelessness or negligence of any of the company's officers, servants, agents or employees, the said company shall indemnify and save the said Town of Montclair harmless from all costs, loss or damage by reason thereof.

SEC. 11. The North Jersey Street Railway Company shall sprinkle their tracks and roadway between the tracks within the Town of Montclair with water sufficient to keep said roadway free from dust from the first day of April to the first day of October in each year, and for this purpose the Town of Montclair agrees to furnish the said company the water required for such purpose free of charge; such water to be taken from a standpipe or sprinkling hydrant on the line of said railway, to be designated by the Council of the Town of Montclair.

SEC. 12. All cars operated by the said railway company through the Town of Montclair, or within the limits of said town, shall be of the best approved pattern and changed from time to time to meet modern requirements of street railway travel, and equipped with fenders of the most approved pattern so attached to the car as best to protect from injury all persons on said avenue, street or road. Said cars shall also be provided with headlights, to be lighted at night, and proper gongs, which shall be rung at all side streets and cross roads so as to give proper warning of the approach of the car. All cars shall be comfortably heated in cold weather and lighted by electricity, kept clean and properly ventilated, and the platforms of all cars shall be so arranged that the front platform shall be enclosed, for the protection of the motorman, from the first day of November to the first day of April each year. All cars shall be properly protected upon the sides of the platforms by rails or gates, so that ingress or egress to and from said cars can only be had from the side of the car nearest the curb.

SEC. 13. Where said railway tracks shall pass over culverts or gutters, the bottom of which shall be below the grade line of said railway, iron girders or proper supports of the most approved pattern shall be provided by the company, and such necessary bridges with proper drains shall be constructed across the tracks so as not to hinder or obstruct the flow of surface water underneath the tracks of said railway.

SEC. 14. The said railway company and its officers, servants, agents or employees, shall not, nor shall any or either of them be allowed to shovel, throw or place any snow, ice, slush, or any other material alongside the track or tracks of said company in any street or avenue in such manner as to obstruct other public travel thereon, but when removing such snow, ice, slush or any other material from said track or tracks, the said railway company, or its said officers, servants, agents or employees shall cause the same to be, without unnecessary delay, levelled between the said track or tracks and the gutter lines on each side thereof. In case the said railway company shall for twelve hours after snow has stopped falling neglect to carry out the provisions of this paragraph, the Superintendent of Roads of the Town of Montclair may give notice to said railway company to comply immediately with said provisions, and if the railway company shall remain in default for eight hours after said notice has

been given, the Superintendent of Roads may have the necessary work done at the expense of the said company, who will pay for the same on demand.

SEC. 15. No salt shall be used by said company on any part of its tracks except on heavy grades, curves and turnouts, without the consent of the Council of the Town of Montclair or the proper officers of said town, nor shall any car belonging to the said railway company be allowed to stand in or obstruct any cross street or stand on any crosswalk, except to receive or discharge passengers. Cars are not to stand or remain in any one position upon the said street or avenue for more than five minutes at any time, except when such car shall be unavoidably obstructed or detained without fault or negligence of said railway company, or any of its officers, servants, agents, or employees, under a penalty of ten dollars, to be paid by said company to the Town of Montclair with costs of collection for each and every violation of this section.

SEC. 16. The Council of the Town of Montclair in behalf of said town reserves the right to dig or excavate in and upon said street, road or avenue for the purpose of laying, replacing, examining and repairing any sewer, water or gas pipes, or for the purpose of making any other public improvements or doing any other public work whatsoever, and the said railway company shall have no recourse or claim to damages because of any detention to travel on the said railway arising therefrom, provided that said work shall be done as quickly as possible without causing unnecessary delay in the operation of said railway; and provided further, that if such work can be made or done in any feasible or practicable way without obstructing the operation of said railway, then such work must be done in such manner as to obstruct such operation as little as possible.

In case of fire the Fire Department of the Town of Montclair shall have the right, without notice and without compensation, to cut or remove any overhead wires of said railway company for the purpose of more readily and safely extinguishing said fire, if the same be deemed necessary by the Chief Engineer of the Fire Department.

SEC. 17. The said company shall remove any dirt, gravel or any other material or obstruction placed by it or its employees on said street, road or avenue within three days after the service on

said company of written notice so to do by the said Council of the Town of Montclair or its duly authorized agent. In case the company shall fail to remove such obstruction and put the said street, road or avenue in as good order as before such obstruction was placed therein by said company, the said council may order the said work to be done at the expense of said railway company.

SEC. 18. All persons driving vehicles on any of the tracks of the said company, when met or overtaken by a car of the company, shall, on being warned by the ringing of a bell or gong, or by request of the motorman or conductor of said car, without unnecessary delay, turn and drive said vehicle off such track or tracks, so as to allow such car to pass by; it being understood that the cars of said company shall have the right of way over the tracks of said company, and any person violating this section shall be subject to a penalty or fine of five dollars, to be recovered before the Recorder of said town, provided, however, that any vehicle being loaded or unloaded while standing on said tracks, shall not make its owner or driver thereof liable to the penalty imposed by this action unless allowed to remain on said tracks for a longer period than five minutes.

SEC. 19. The rate of fares to be charged for each and every adult passenger riding on the cars of the said North Jersey Street Railway Company shall be as follows: For each adult passenger between any point in the Town of Montclair and any other point in the Town of Montclair, any point in the Township of Bloomfield, Borough of Glen Ridge, or Township of Verona, the sum of five (5) cents. Between any point in the Town of Montclair on the line of said railway, on Elm street or Orange road, and any point on the Bloomfield avenue line of said company, in the City of Newark, terminating at the Market street station of the Pennsylvania Railroad, the fare shall be ten (10) cents until January 1st, 1901, and thereafter shall be eight (8) cents.

And whenever the said railway company or its successors shall construct or operate railways in any other places set forth in Section 20, following, or make the connections therein referred to, with the southerly terminus in Montclair, and shall also operate or make passenger traffic arrangements with any railway corporation or others operating a railway between either of the said places and the City of Newark, then the fares between any point in the Town of Montclair, on the line of said railway in Montclair, on Elm street and

Orange road, by way of said Orange connections and the Market street depot in the city of Newark, shall be the sum of not exceeding ten (10) cents until January 1st, 1901, and thereafter shall be eight (8) cents.

Excursion tickets from Montclair to the City of Newark with transfer coupons attached, good each way on any line in the city of Newark, shall be furnished by the said North Jersey Street Railway Company to any passenger requesting the same for the sum of two (2) cents in addition to the fares as above fixed, respectively. The fares to be charged for school children under the age of sixteen (16) years, during the days while the schools in said town are in session shall be at the rate of thirty-three tickets for one dollar, which tickets shall be sold to any scholar whose attendance at the schools in said town shall be certified by the principal in charge of the various schools at which said scholars may respectively attend, and such tickets may be used and shall be good between the hours of 7.45 a. m. and 5 p. m. during the days when said schools are in session.

SEC. 20. If the said North Jersey Street Railway Company or its successors shall extend the above described line into the Townships of East or West Orange or the City of Orange or shall operate cars over the above described route and said extension in the Townships of East or West Orange or the City of Orange, or shall operate through cars over said line between any point in the Town of Montclair and any point in either of said Townships of East or West Orange or the City of Orange, then the fare to be charged between any point in the Town of Montclair and any point in the Townships of East or West Orange or the City of Orange traversed by said cars shall be five cents.

The said cars on the Elm street and Orange road line shall run on a headway of fifteen minutes from six o'clock in the morning until eight o'clock at night, and from eight o'clock at night until one o'clock in the morning at a headway of thirty minutes, the last car to leave the southerly terminus of the Orange road in the Town of Montclair not earlier than one o'clock a. m. The said cars shall be run at a speed not exceeding eight miles an hour in said Town of Montclair. The cars shall make continuous trips without change between the northerly terminus of the said railway company's line on Valley road and the southerly terminus of said railway on Orange road, on at least the headway above defined, but if the headway shall

be decreased, then such requirement as to continuous trips shall not be applied to additional headway cars, but shall be construed to apply only to those to be run on the headway so defined as above. And it is further agreed that the cars leaving the northerly terminus on Valley road at 1 o'clock a. m. shall not be required to run further than Bloomfield avenue.

The Council of the Town of Montclair reserves the right to further regulate the headway and speed at which the cars shall run along any part of said routes for which maps have been filed with the Town Clerk of the Town of Montclair.

Whenever the public demand for further accommodation, both as to hours of running and number of cars to be run, shall fairly and reasonably warrant it, the said North Jersey Street Railway Company shall cause their cars to be run with such frequency and at hours which shall be needed to meet such demand.

During the summer months at least every fourth car shall be of a pattern known as a closed passenger car.

SEC. 21. All cars operated by the said railway company shall come to a full stop at the several points or places where the railroad track or tracks of any railroad line owned, controlled or operated by it or its successors or assigns shall or may cross or intersect the track or tracks of any street railroad or of any steam railroad within the Town of Montclair before passing over any such crossing or intersecting track or tracks.

SEC. 22. Whenever a motive power which shall do away with overhead wires shall be found practicable and in successful operation in any municipality in the United States of not greater population than the Town of Montclair or its successors, the North Jersey Street Railway Company or its successors shall upon six months' notice in writing to be given by the Council of the Town of Montclair or their successors, forthwith change the motive power upon its lines within the Town of Montclair to such motive power as may be in use in such other municipality, and when such change is made said railway company shall proceed immediately to remove all poles and overhead wires from the street or streets, avenue or avenues over and through which their tracks are laid and poles and wires are placed.

SEC. 23. The said company shall complete the construction of and operate said railway within one year from the date of the

adoption of this ordinance, otherwise all the rights, powers and privileges hereby granted and every one of them may by declaration of the Council of the Town of Montclair become null and void.

SEC. 24. The provisions, terms and conditions of this ordinance shall be binding upon the successors of the said North Jersey Street Railway Company, as well as upon the said company as now constituted.

SEC. 25. The rights and privileges hereby given shall continue until the first day of January, nineteen hundred and thirty-eight; the right being reserved by the Town Council to purchase at the expiration of said term or any subsequent forty-year period the said line of street railway, consent and permission to construct which is hereby given, and the appurtenances therewith, including the overhead wire and poles, from the said company at the actual initial cost to the said company of the construction of the said line in this ordinance described, including the additional cost of changing the motive power, if required, pursuant to Section 22 of this ordinance; provided, however, in the event of the purchase of said line by the Town of Montclair, if the motive power has been changed and the use of overhead poles and wires thereby dispensed with, the original cost of such poles and wires shall not be included as a part of the initial cost of construction of said line. And the said company shall file with the Clerk of said town, within sixty days after the completion of the said line, a statement of the actual cost of the construction thereof, specifying in detail the items thereof, which statement shall also be verified by the oath of the treasurer of said company; and in case of the change of motive power at the request of the Council of the Town of Montclair or its successors, the said North Jersey Street Railway Company or its successors shall file with the Clerk of said town within sixty days after the completion of said change of motive power, a statement of the actual cost of the construction thereof, specifying in detail the items thereof, which statement shall also be verified by the oath of the treasurer of said company.

In case the council determines to make such purchase, the payment for said purchase shall be made to the said company, its successors or assigns, on or before the said first day of January, nineteen hundred and thirty-eight, and on any purchase by the said town, or its successors, all rights of said railway company on said line shall cease and determine; and it is agreed on the part of the said town

council that notice shall be given to the said company or its successors or assigns, on or before the first day of July, nineteen hundred and thirty-seven, of the intention of the said Town Council to purchase the said line of tracks by virtue of the rights reserved by this section, it being further agreed and ordained that if, on the first day of July, nineteen hundred and thirty-seven, the said town council shall not have determined to purchase the said line that there shall then be a readjustment of the terms and conditions under which the said company or its successors or assigns may continue to enjoy the franchise upon said line for another term of forty years, and further that at the expiration of each and every forty year period thereafter the said town shall have the right of purchase on the same terms, or at its option there shall be a readjustment of terms and conditions, and a further extension of said franchise for a new and further period of forty years; that in such adjustment there may be considered and determined the rates of fare to be charged by the said company, or its successors or assigns, for the carrying of passengers within the limits of the Town of Montclair as now constituted, and for the carrying of passengers between the said Town of Montclair and the City of Newark, or other adjoining municipalities; and also an adjustment of the compensation, if any, to be paid by the said company to the Town of Montclair, or its successors, if in the judgment of the then existing council, or other governing body, such readjustment shall be desired for the public good and warranted by the number of passengers carried by said company upon said line, at the respective adjustment dates as herein fixed; the aforesaid determination of the said council, or other governing body, herein provided for, to be manifested by resolution passed by a majority vote of its members, of which said action the said company shall have ten days' notice before final adoption. Upon the adoption of said resolution the said council or other governing body, and the said North Jersey Street Railway Company, or its successors, shall immediately proceed to make the readjustment herein provided for, and in case the said council, or its successors, and the North Jersey Street Railway Company, or its successors, shall not be able to agree upon the terms of said adjustment, or readjustment as the case may be, within two months from the date of the adoption of said resolution as herein provided, the said council, or other governing body, and the said North Jersey Street Railway Company, or its successors,

shall each forthwith choose an arbitrator, and the two so chosen shall select a third who shall not reside within the limits of the Town of Montclair as now constituted, nor be in any way interested in said railway company, or its successors, and the decision of a majority of the persons constituting the board of arbitrators as aforesaid, shall be binding upon both the said council or other governing body and the said railway company or its successors, as to the matters of adjustment or readjustment, as the case may be, contemplated by this section, and in case the said North Jersey Street Railway Company or its successors, shall fail to choose an arbitrator as herein provided, the said council, or other governing body, shall have power to make such adjustment or readjustment, and the same, when so made, shall be binding upon the North Jersey Street Railway Company or its successors in like manner, as if made by arbitrators as herein set out; provided, however, that neither the said arbitrators nor said council or other governing body, shall increase the fares to be charged by said railway company or its successors beyond the rates fixed by this ordinance. The expense of the arbitrator or arbitrators contemplated by this section, if found necessary, shall be borne by the Town of Montclair, or its successors, and the said company, or its successors, in equal proportion.

SEC. 26. All expenses incident to the preparation, adoption and printing of this ordinance, as well as the public hearings required by law, preliminary thereto, shall be borne by said company, and this ordinance shall not go into effect until the North Jersey Street Railway Company shall have executed in duplicate, under its corporate seal, duly attested and approved or acknowledged at the foot, as a true copy of the ordinance, an acceptance thereof in these terms: "The North Jersey Street Railway Company hereby agrees to all the terms, conditions and restrictions in the foregoing ordinance set forth;" and shall file one of the duplicate agreements with the Town Clerk and another with the Clerk of Essex County, within ten days after the passage hereof.

Adopted November 6th, 1899.

**An Ordinance Providing for a Superintendent of Roads and Sewers, and
Defining His Duties and Fixing His Compensation.**

Be it ordained by the Council of the Town of Montclair, in the County of Essex, as follows:

1. There shall be appointed by the Council, as hereinafter provided, an officer to be known as Superintendent of Roads and Sewers of the Town of Montclair.

2. The Superintendent of Roads and Sewers shall be appointed annually by the Council, to serve for the term of one year from the first day of June next succeeding his appointment.

He shall, under the direction of the Town Council, have supervision of the streets and highways of the town, the construction and repairs of streets and sidewalks and of all sewers and drains and perform such other services, including the granting of permits and control of sewer maintenance, as may from time to time be required of him by the Council.

He shall keep a record of all his official acts, and make a report of the same to the Council at its first regular meeting in each and every month.

3. The compensation to be paid to the Superintendent of Roads and Sewers shall be the sum of 1,200 dollars per annum, payable in equal monthly installments.

4. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Adopted May 14th, 1900.

**An Ordinance Providing for the Contingent Expenses of the Several Officers
of the Town of Montclair.**

Be it ordained by the Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. [*As am'd Sept. 22, 1902.*] There shall be drawn from the incidental fund of the Town of Montclair, when appropriated, and deposited for contingent expenses with the officers and employees

of the Town of Montclair, hereinafter named, the several sums hereinafter stated, that is to say:

With the Town Clerk, the sum of fifty dollars.

With the Superintendent of Roads and Sewers, the sum of not exceeding one thousand dollars, as the Council may from time to time by resolution direct.

With the Chief of Police, the sum of fifty dollars.

SEC. 2. The said officers or employes shall keep an account of all expenditures made by them, respectively, from such sums so placed in their hands as aforesaid, and render an account of the same to the Council at its first regular meeting in each and every month.

SEC. 3. The full amount of all sums of money belonging to the Town of Montclair coming into the hands of any of said officers or employes, in the discharge of their several duties, from any source other than is provided in and by this ordinance, shall be paid over by said officers or employes to the Town Treasurer, and any disbursement of public money received by them or any of them other than as hereinbefore provided, is hereby prohibited.

Adopted May 21st, 1900.

An Ordinance Relating to Official Searches and Certificates as to Tax, Assessment and Municipal Liens in the Town of Montclair.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

1. On and after the 1st day of October, the Town Collector shall, on application of any person interested therein, make searches of the tax or assessment records of the Town, and shall make and issue official certificates as to what tax, assessment or other municipal liens appear against any real estate in said Town.

2. Any person who shall apply to the Town Collector for any search or certificate shall indicate distinctly in writing the property on which such search is desired, and shall pay to the said Collector, for the use of the Town, the sum of three dollars at the time such application is made.

Adopted August 13th, 1900.

An Ordinance respecting the use of broad tires on Wagons and Carts upon Macadamized Public Streets within the Town of Montclair.

Be it enacted by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. Every coal, express, lumber, brick or other draft wagon or cart, carrying two thousand pounds or over, used upon any of the macadamized public streets within the limits of the Town of Montclair shall be fitted with tires of a width of at least three and one-half inches.

SEC. 2. Any person who shall drive or suffer or procure to be driven any such draft wagon or cart upon any such street within said Town, without first causing such wagon to be fitted with tires of a width of three and one-half inches, shall be liable to a fine not exceeding ten dollars for each such offence.

SEC. 3. This ordinance shall take effect on the fifteenth day of June in the year nineteen hundred and one; and the provisions hereof shall not be applicable to any wagon or cart transiently passing through the limits of said Town, and not owned or permanently used therein.

SEC. 4. That the ordinance entitled "An ordinance respecting the use of broad tires on wagons and carts upon macadamized public streets within the Town of Montclair," adopted October 15, 1900, be and the same is hereby repealed.

Adopted November 26th, 1900.

An Ordinance to Prevent Vice and Immorality, to Preserve Public Peace and Good Order, and to Prevent, Disperse and Quell Crowds, Riots and Disorderly Assemblages.

Be it ordained by the Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. [*As am'd Feb. 16, 1906.*] No person shall loiter in or upon any street or public place, or in or about any public building, so as to interfere with the free and unobstructed use thereof by the public, nor utter or make any loud, indecent, abusive or offensive language or noise thereon; nor engage in any game of chance for money or other valuable thing, in such public place; nor make any

indecent exposure or exhibition of any kind, or do or commit any disturbance or breach of the peace in or upon any street, avenue or public place in the Town of Montclair; nor disturb by any violent, obscene, abusive or threatening language or disorderly or indecent behavior of any kind, any lawful congregation or assembly of any kind or description, in any public place or building within the limits of the Town of Montclair.

SEC. 2. No person shall, on the first day of the week, commonly called Sunday, in any street, unimproved lot or any public place, engage in any game with others, or disorderly conduct of any kind within the Town of Montclair.

SEC. 3. No person or persons shall allow or permit any house, shop, saloon or place connected therewith, and owned by him to be used, frequented or resorted to by riotous or disorderly persons, drunkards, prostitutes, vagrants or common mendicants, or suffer or permit any house, shop, store, saloon, lot or other place as aforesaid, to become riotous or disorderly at any time, either by day or night, or suffer or furnish any machine or device, commonly called a "slot-machine," or other machine or device to be used or operated for the purpose of gambling in any such building within the Town of Montclair. Every person having control of any house, shop, saloon or other place, either as tenant, agent or otherwise shall be deemed for the purpose of this section to be the owner and be liable as an owner for any violation hereof.

SEC. 4. [*As am'd Feb. 16, 1906.*] Every person offending against any of the provisions of this ordinance shall be subject to a penalty of five dollars for a first offence against the provisions of any section, and ten dollars for the second offence against the same section, and twenty dollars for each subsequent offence after the second.

SEC. 5. Every person who aids or abets the commission of any offence against the provisions of this ordinance shall, upon conviction, be fined not more than twenty dollars.

SEC. 6. An ordinance entitled "An Ordinance to prevent Vice and Immorality, to preserve Public Peace and Good Order, and to prevent, disperse and quell Crowds, Riots and Disorderly Assemblages," Adopted July 2d, 1894, is hereby repealed from and after the time when this ordinance takes effect.

Adopted January 14th, 1901.

An Ordinance to regulate the carrying of concealed or other weapons and to prohibit the carrying or use of the same except as herein provided.

SECTION 1. [*Repealed Feb. 16, 1906.*]

SEC. 2. [*As am'd Feb. 16, 1906.*] Any person who has occasion to carry a deadly weapon for his protection may apply to the Chief of Police, and if he is satisfied that the applicant is a law-abiding citizen and resident of the town and that there is good reason why such applicant should be allowed to carry such weapon, he may recommend to the Mayor that a permit therefor be issued; and if the Mayor shall approve of the recommendation, he shall issue his permit accordingly. Such applicant shall, at the time of applying for such permit, file with the Chief of Police a statement in writing showing his name and address and the reason for desiring such permit. Before such permit shall take effect, it shall be registered in the office of the Town Clerk and also at Police Headquarters to the end that a complete record of permits issued and outstanding may be kept in both offices.

SEC. 3. [*As am'd Feb. 16, 1906.*] The Mayor shall have power to annul or revoke any permit given under this ordinance at any time, and a written notice of such revocation, served personally on the person to whom it was issued, or mailed to him at the address given in his written application, shall be sufficient notice. Such revocation shall take effect immediately, if served personally, and if served by mail in twenty-four hours after it shall have been deposited, duly sealed and post-paid, in the post office.

SEC. 4. All persons to whom such permits shall be given are hereby declared to be individually responsible for their own acts and for the consequences which may arise from the use of any weapon or weapons to be carried under the permission to be obtained as provided in this ordinance.

SEC. 5. No person not an officer of the law, duly authorized for such purpose, or a member of the United States Army or of the National Guard of New Jersey engaged in the performance of duty, shall use or discharge any rifle, gun, pistol or other firearm in or upon any street or public place in the Town of Montclair, or in such a manner that the missile therefrom shall pass into, upon or over any street or public place in the Town of Montclair, except under and in accordance with permits which shall have been given as in this ordi-

nance provided. And no minor under the age of eighteen years shall use or discharge any rifle, shot gun, pistol or other firearm, or air or spring gun or sling shot within the limits of the Town of Montclair.

SEC. 6. [*As am'd Feb. 16, 1906.*] For each and every violation of the provisions of this ordinance, the offender shall be liable, upon conviction, to a penalty of twenty dollars.

SEC. 7. An ordinance entitled "An ordinance to regulate the carrying of concealed or other weapons and to prohibit the carrying or use of the same except as herein provided," passed April 22d, 1901, and an amendment thereto passed February 9th, 1903, are hereby repealed.

Adopted January 25th, 1904.

**An Ordinance Regulating the use of Streets, Sidewalks and Public Grounds
in the Town of Montclair.**

SECTION 1. [*As am'd Feb. 16, 1906.*] No person shall encumber or obstruct any street or public place in the Town of Montclair with any article or thing whatsoever without first having obtained permission therefor from the Town Council, under a penalty of twenty (\$20) dollars for each and every offence. Each day that such an encumbrance or obstruction shall remain after notice to remove the same shall constitute a separate offense, and the person so offending shall be liable to a further penalty of one dollar for each day it shall so remain.

SEC. 2. No person shall throw, put or place or cause or permit to be thrown, put or placed into, upon or within any public street or place, any substance, matter or thing whatsoever whereby the safe, free or unobstructed use of the same by the public may be in any wise impeded or interfered with.

SEC. 3. [*As am'd Aug. 24, 1903.*] No person shall remove, disturb, excavate or dig up, or cause or procure to be removed, disturbed, excavated or dug up, the surface of any public street, lane, alley, court, park or other public place, or any sidewalk or pavement therein, except by permission of the Town Council first had and obtained.

No permit or license for such purpose shall be granted to any contractor or person other than the owner of the land abutting upon that portion of the street, sidewalk or pavement to be removed or excavated, unless the person to whom the same is granted shall first have executed and placed on file in the office of the Town Clerk a bond with at least one surety satisfactory to the Town Council in the penal sum of one thousand dollars, conditioned that the obligor shall, in every case in which he shall remove, disturb or dig up the surface of any public street, lane, alley, court, park or other public place, or any sidewalk or pavement therein for any purpose whatever, comply with all the requirements and provisions of all ordinances of the Town of Montclair of whatever title, concerning street excavations and applicable thereto, and with all rules and regulations which may be lawfully adopted regarding the same, and shall protect such excavation; shall replace the said street, lane, alley, court, park or other public place, pavement or sidewalk, in the same condition in which it was before such excavation or disturbance, under the direction and control of the duly appointed Superintendent of Streets of said Town, immediately upon notice received from the said Superintendent of Streets, and shall indemnify and save harmless the Town of Montclair, in the County of Essex, from all expense and liability by reason of accidents and injuries consequent therefrom arising by reason of such street opening or disturbance, and which may be caused by the fault or negligence of the said licensee, his servants or agents.

SEC. 4. No person shall break, injure or destroy any lamp post or appurtenances thereon standing in any public street or place.

SEC. 5. No person shall ride or drive any horse, mule or other animal, or drive, guide or direct any vehicle of whatever nature or by whatever motive power propelled, in, upon, along or through any public highway, street, square, park or place in the Town of Montclair, at a rate of speed in excess of ten miles an hour, or at a rate of speed in excess of four miles an hour in turning any corner.

SEC. 6. No person shall ride any bicycle, tricycle, or similar vehicle in or through any of the public highways, streets, squares, parks or places within the Town of Montclair at any time between one hour after sunset, and before sunrise unless there shall be attached to the front thereof a lighted lamp of such illuminating power as to be plainly seen one hundred yards ahead.

SEC. 7. No person shall ride any bicycle, tricycle or similar vehicle in or through any of the public highways, streets, squares, parks or places in the Town of Montclair without having attached to the handle bar of such machine a suitable alarm bell which, when rung, may be heard at least one hundred feet distant, which bell shall be rung by the rider when approaching any vehicle or pedestrian being in or upon such public highway, street, square, park or place, in such a way as to give full and ample warning of such approaching vehicle.

SEC. 8. The Chief of Police may, in his discretion, upon any special occasion, grant permits to any person or persons to ride such bicycles, tricycles or other vehicles during a specified time upon specified portions of the public ways of said town at any rate of speed and may annex such other reasonable conditions to such permits as he shall deem proper.

SEC. 9. No person shall ride any bicycle, tricycle or similar vehicle upon any sidewalk within the limits of the Town of Montclair.

SEC. 10. The provisions of this ordinance shall not be deemed to apply to the use of velocipedes or other similar vehicles by children under ten (10) years of age; nor to children's carriages or vehicles used and occupied by invalids or persons deformed or crippled upon the sidewalks of any street or public place within the town.

SEC. 11. All persons are forbidden to throw or deposit any rubbish or refuse of any kind into or upon any of the sidewalks, gutters, streets, or public places within the Town of Montclair.

SEC. 12. [*As am'd Feb. 16, 1906.*] No person shall place or put in, upon or over any street or any part thereof, any post, sign, porch, shed or awning, of any kind whatsoever, except under the permission of the Town Council, under a penalty of twenty (\$20) dollars for each offence. Each day's delay in removing the same after having been notified so to do, shall constitute a separate offense, and the person so offending shall be liable to a further penalty of one dollar for each day that such delay shall continue.

SEC. 13. [*As am'd Feb. 16, 1906.*] No person shall build or construct or permit to be built or constructed or continue or permit to remain any bay window, store window, or other window or structure, which shall extend into any public street, under a penalty of twenty (\$20) dollars for each offense. Each day's delay in removing

the same after having been notified so to do shall constitute a separate offence, and the person so offending shall be liable to a further penalty of one dollar for each day of such delay, provided, however, that the Council may, in its discretion, permit the continuance of existing structures of the character hereinbefore mentioned, upon special application to the Council for such permit; and provided, further, that such permit, if given, shall be revocable at the pleasure of the Council.

SEC. 14. [*As am'd Feb. 16, 1906.*] No person shall build or construct, or continue any areaway or cellar opening or entrance over the line of any public street, without providing the same with an iron cover resting level with the street when closed, nor build or construct or continue any such areaway cellar opening or entrance more than three feet over the line of any public street, under the penalty of twenty (\$20) for each offense. Each day's delay in removing the same after having been notified so to do shall constitute a separate offence, and the person so offending shall be liable to a further penalty of one dollar for each day of such delay.

SEC. 15. No person shall lead or drive any horse or cattle or drag or cause to be dragged any wagon, cart or other vehicle, over or upon the sidewalk of any street or public place except to pass into or from a lot, yard or stable immediately adjoining the street, at a point where there is a paved passage way or entrance from the street or public place to such lot.

SEC. 16. No person shall engage in the playing of baseball, cricket or any game of ball in any of the streets of the town.

SEC. 17. No person shall negligently or wilfully break, injure or destroy any curb, gutter, bridge, stone or flagging, set, laid or fixed in any public street in the town.

SEC. 18. No person shall ride any bicycle, tricycle or other vehicle in the manner commonly called coasting, upon Bloomfield avenue in the Town of Montclair, at any point from Verona line to Gates avenue.

SEC. 19. No person shall ride upon any sleigh or sled in the manner commonly called coasting, upon any street or avenue in the Town of Montclair, except such as shall be hereafter designated by the Council of the Town of Montclair, as streets or avenues where such coasting will be permitted.

SEC. 20. All owners or occupants of real property within the Town of Montclair are required to keep the sidewalks and gutters

in front of their premises in a clean and orderly condition.

SEC. 21. [*As am'd Feb. 16, 1906.*] Each and every person offending against any of the provisions of this ordinance in any section or clause thereof shall, upon conviction, be subject to a penalty of twenty (\$20) dollars, except in those cases where another or further fine or penalty is specifically mentioned.

SEC. 22. All suits, prosecutions and penalties for violations of this ordinance shall be brought, had and recovered before the Recorder of this town.

SEC. 23. All the ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Adopted April 29th, 1901.

An Ordinance to amend an Ordinance entitled "An Ordinance to Prevent Injury by Animals to Trees on the Streets and Highways."

Be it ordained by the Council of the Town of Montclair, in the County of Essex, that an ordinance entitled as above set forth, adopted September 16, 1895, be and the same is hereby amended to read as follows:

SECTION 1. No person shall hitch or tie any horse, mule, cow or other animal belonging to him or her or in his or her possession to any tree growing on any of the streets or highways within the town or on any of the sidewalks thereof, nor shall any person hitch or tie any such animal within such proximity to any such tree as to be in reach of the same.

SEC. 2. No person shall permit any horse, mule, cow or other animal belonging to him or her in his or her possession, to destroy or injure the trunk, bark, limbs or leaves of any tree growing on any of the streets or highways within the town or on any of the sidewalks thereof. The leaving of any horse, mule or cow within any public street, within the Town of Montclair unhitched or unfastened, shall within the provisions of this section be deemed permission.

SEC. 3. [*As am'd Feb. 16, 1906.*] Any person violating any of the provisions of this ordinance shall pay a penalty of ten dollars for

each and every offense, and the payment of such penalty shall not be a bar to any action for damages for the injury caused, but shall be in addition thereto.

Adopted May 20th, 1901.

"An ordinance to establish the office of Comptroller," &c., adopted May 20, 1901, was repealed Feb. 10, 1902.

An Ordinance to prevent throwing Rubbish upon the Streets or Vacant Lots.

Be it ordained by the Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. All persons are forbidden to throw rubbish, refuse, or any other material into or upon any of the sidewalks, gutters or streets within the town.

SEC. 2. All owners or occupants of stores or other places of business are required to keep the sidewalk and gutters in front of their premises in a clean and orderly condition.

SEC. 3. [*As am'd Feb. 16, 1906.*] Any person violating any of the provisions of this ordinance shall pay a penalty of ten dollars for the first offense and a penalty of twenty dollars for each and every subsequent offense.

Adopted May 24th, 1901.

An Ordinance respecting licenses for traveling and other shows, circuses, theatrical performances, plays, exhibitions and concerts in the Town of Montclair.

Be it ordained by the Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. [*As am'd Feb. 16, 1906.*] No person or persons shall

show forth or exhibit or cause to be shown forth or exhibited in any place whatever in the Town of Montclair, for any price, gain or reward, any beast or animal, menagerie, or circus, or exhibit any feats of activity or agility, nor exhibit any theatrical performance, or any such like show or exhibition without first having obtained a license for that purpose as hereinafter mentioned, under the penalty of twenty (\$20) dollars for each and every such offence.

SEC. 2. [*As am'd Feb. 16, 1906.*] No owner, or occupant, or other person or persons having the possession or care of any house, building or room or of any lot of land within the Town of Montclair, shall suffer or permit any such show, exhibition or performance as is mentioned in the preceding section to be exhibited, acted, shown forth or performed, for any price or gain or reward in or upon his, her or their building or room or lot of land, unless such owner, occupant or the party or parties so causing such show or exhibition or performance, as aforesaid, shall first obtain such written license in the manner herein prescribed, under a penalty of twenty (\$20) dollars for each and every offence.

SEC. 3. The Chairman of the Police Committee of the Council may in his discretion, on application for that purpose, issue a license in writing for any such show, exhibition or performance as is mentioned in the first section of this ordinance and shall designate the license fee to be paid for each license, which shall not be less than three dollars or more than one hundred dollars for each day such license shall continue.

SEC. 4. Every license so granted shall specify the place of such exhibition or performance, time or number of days during which it may continue and shall be countersigned by the Clerk of the Town of Montclair, upon the payment to him of the license fee and such license shall not take effect until the license fee shall have been so paid; provided that all entertainments, the entire net proceeds of which shall be appropriated to any charitable purpose or for the benefit of any school or church of said town, shall be exempt from obtaining such license.

SEC. 5. That the ordinance entitled "An ordinance respecting licenses for traveling and other shows, circuses, theatrical performances, plays, exhibitions and concerts in the Town of Montclair," adopted May 3d, 1897, and all ordinances and parts of ordinances

inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Adopted June 10th, 1901.

An Ordinance to provide for the removal of grass and weeds and other impediments from the sidewalks and gutters of the streets avenues and public highways in the Town of Montclair.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. The owner or tenant of each lot, piece or parcel of land abutting or bordering upon the sidewalks and gutters of the public streets, avenues or highways shall remove all grass, weeds and other impediments therefrom within three days after notice to remove the same.

SEC. 2. Permitting any grass or weeds to grow immediately adjoining any sidewalk or gutter within any public street, avenue or highway, to a height exceeding twelve inches, shall for the purpose of section one of this ordinance be deemed an impediment.

SEC. 3. Permitting any tree or shrub standing within the line of any street, avenue or highway, or upon lands adjacent thereto, so that the branches or foliage of such tree or shrub comes within eight (8) feet, vertically, of any sidewalk, upon any such street, avenue or public highway, shall be deemed an impediment.

SEC. 4. [*As am'd Feb. 16, 1906.*] Any owner or tenant violating the provisions of this ordinance shall, upon conviction, be subject to a penalty of five (\$5) dollars for each offence.

SEC. 5. The Superintendent of Streets shall cause to be removed any such impediment whenever the owner or tenant of any lot, piece or parcel of land, after notice as aforesaid, shall have refused to cause such removal.

SEC. 6. Failure to cause such removal within one week after notice, as aforesaid, shall, for the purpose of this ordinance, be deemed a refusal.

SEC. 7. In the event of the removal of any such impediment by the Superintendent of Streets, as aforesaid, the cost thereof, as nearly

as the same can be ascertained, shall be charged upon the books of the Town of Montclair, against the lands abutting upon or bordering such sidewalk or gutter and the amount of such cost, together with interest thereon, shall forthwith become a lien on such lands, and shall be added to and form a part of the taxes next to be assessed, and levied upon such lands and shall be certified to the Collector of Taxes for said town, and shall be collected in the same manner as other taxes.

Adopted August 26th, 1901.

CONTRACT WITH WATER COMPANY.

THIS INDENTURE, made and entered into this First day of March, 1898, between "The Montclair Water Company," a corporation organized under the laws of the State of New Jersey, and located at the Town of Montclair, in the County of Essex, in said State, of the first part; and "The Town of Montclair in the County of Essex," in said State, of the second part, witnesseth:

That the said party of the first part, in consideration of the sum of one dollar to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, and of the covenants and agreements to be kept and performed by the said party of the second part as hereinafter mentioned, do hereby, for themselves and their successors, covenant, promise and agree to and with the said party of the second part, its successors and assigns, as follows:

1. To procure and furnish to the said party of the second part, its successors and assigns, during the continuance of this contract, a full, ample and sufficient supply of pure and wholesome water, equal in wholesomeness and purity to Pequannock water as now delivered to the said party of the second part; and that said water shall be delivered to consumers at a pressure of not less than twenty, nor more than one hundred pounds to the square inch; but the fire pressure shall not be less than fifty pounds to the square inch. And it is further agreed that if the party of the first part shall at any time secure water from more than one source, which water shall be the property of the party of the first part, or to which they shall be

entitled under any contract or arrangement with any other person or corporation, and shall be flowing in pipes within five miles of said Town, that the Town shall have the option to have changed the water delivered to it under this contract to such other supply upon giving the party of the first part notice in writing. And the party of the first part agrees to deliver the water so selected within ninety days of the receipt of such notice, provided said ninety days shall fall between April 1st and November 1st.

It is understood, however, that so long as the wells now used in Montclair by the party of the first part yield pure and wholesome water that the said party of the first part may continue to supply water from the same at its option.

2. It is further agreed that the said party of the first part will continue to furnish to the party of the second part water from the present sources of supply of the water now being furnished to the Town of Montclair, viz.: the Pequannock system and the wells at Watchung, so long as the same shall remain under the control of the said party of the first part, or of The East Jersey Water Company (with which Company said party of the first part has certain contract relations), or so long as the party of the first part, or the said East Jersey Water Company shall own or be entitled to receive water from such sources, and in case it shall become necessary for said party of the first part to furnish water from other sources, said party of the first part shall give to the party of the second part at least twelve months' notice in writing of such proposed change, specifying the water so to be provided, and such notice shall be delivered on the first day of January, April, July or October, and said party of the second part shall have the option of terminating this contract at the expiration of said twelve months from the receipt of the notice of such proposed change, provided written notice of the intention of said party of the second part to so terminate this contract shall be given to said party of the first part within six months after receipt of such proposed change.

And provided further, that said party of the second part shall at the same time also pay to the party of the first part such sum of money as shall be equal to four dollars per hydrant per annum from December 1st, 1897, to the date of the termination of this agreement upon all hydrants now set, and at the same rate from the date of their installation upon those which may hereafter be set

under this contract. It being the intent of this agreement that the party of the first part shall receive thirty dollars per annum for each and every hydrant, instead of twenty-six dollars, if the party of the second part shall elect to terminate this agreement.

3. The said water shall be furnished by the said party of the first part to all the inhabitants of the said Town upon the lines of its water mains who may apply therefor, upon the payment of water rents, and subject to reasonable rules and regulations, which rules and regulations shall be at least as favorable to the consumers as those heretofore prescribed for the like service, and the rates shall not exceed the following schedule:

DWELLING HOUSES.

(When not metered.)

	PER YEAR
Occupied by one family, for the first faucet.....	\$6.25
For each additional faucet or basin to be used by the same family	2.00
Where a house is occupied by more than one family, and less than four, one faucet only being used by all, for each family	5.50
When a house is occupied by four or more families and but one faucet is used by all, for each family.....	4.50
Where a house is occupied by more than one family the highest rates will be charged for each family having the water carried into their parts of the house.....	6.25
One kitchen boiler.....	1.25
For the first bath tub.....	5.00
For bath tub when used by more than one family, for each family	4.00
For each additional bath tub.....	2.50
Each pan or hopper water closet with self regulating faucet..	2.50
Urinal	2.50
One set wash tubs, not exceeding three tubs.....	3.00
Each additional set wash tubs.....	1.00

Where two faucets are used, one for hot and one for cold water, both emptying into one vessel, but one charge will be made for both.

PRIVATE STABLES.

(When not metered.)

For each horse.....	\$2.50
For each cow.....	2.00
For one carriage.....	2.50
For each additional carriage.....	1.50

SPECIAL RATES.

Special rates will be given for hydrants in yards, Hotels, Boarding Houses, Public Stables, etc., and Business and Factory Use.

USE OF HOSE.

(When not metered.)

Hose use is not included in the charge on houses, or for domestic purposes. The rate for hose use will be, for lot of not over 50 feet, per season..... \$5.00
A further charge will be made according to additional area sprinkled.

METER RATE.

Thirty cents per thousand gallons. Minimum meter rate, \$10.00 per annum.
The service pipe and fixtures to be under the control and management of, and the said water rents to be collected, and the said rules and regulations to be prescribed and enforced by, the said party of the first part.
4. Said party of the first part shall have the right to furnish water by meter measurement to any and all consumers, and any

consumer may require the water to be so furnished to him by giving written notice to the Company.

5. The said water shall be furnished by the Water Company through its street mains for fire purposes to the fire hydrants now in use and to additional fire hydrants to be placed at an average distance of five hundred and twenty feet from existing hydrants and from each other, on extensions of the Company's mains, when such extensions shall be ordered laid by the Town Council.

After three years from the date of this contract the Water Company shall lay down additional mains with hydrants placed as above specified when directed so to do by the Town Council. If the Town Council shall direct a hydrant once located by their direction to be changed, such change shall be made at the expense of the Town.

6. The hydrants shall be at all times accessible to the Fire Department of said Town for the purposes of extinguishing fires, for reasonable practice, and for cleaning apparatus, and for no other use or purpose, but due care and caution shall at all times be observed in opening, using and closing hydrants, and no waste or unnecessary use of water shall be allowed. When, after a fire, the use of water by the Fire Department ceases, notice shall be sent immediately to the pumping station.

The compensation to be paid to the Water Company for the use of water for fire purposes shall be the annual sum of twenty-six dollars for each hydrant now set, and the same rate per annum from the date of installation for each additional hydrant hereafter set ready for use from time to time, to be paid on the first days of January, April, July and October, for the preceding quarter year, except as provided in Section 2.

7. The Water Company shall also furnish water on the lines of the street mains, within the corporate limits of the Town of Montclair, under the same regulations and control as may be established by the Company respecting other consumers making similar use of the water, to the Town Council Rooms, Tax Office, Fire Engine Houses, Hose Houses, Public School Houses, Police Offices and any other public buildings in use by the Town for public purposes; also for sprinkling the streets and for the sewer flushing tanks, provided said tanks shall at all times be kept in condition not to waste water, for a sum equal to the annual taxes for the current year which shall be assessed upon the franchise and real and

personal property of the Company actually used in connection with the business of supplying water (including the real estate of the pumphouse and standpipe), payable annually on or before December 15th. The Town Council shall co-operate with the Water Company by directing and enforcing rules that no unnecessary waste of water shall be allowed in any of these uses.

8. It is agreed that a reasonable consumption of water by any sewer flush tank shall not exceed four hundred and fifty gallons per twenty-four hours. The Water Company will furnish water without charge other than hereinbefore provided for street sprinkling, within the corporate limits of the Town of Montclair, to drivers of water carts or to street railway company sprinklers, who shall be licensed by the Town Council, without other restrictions on the part of the Water Company than that they shall draw water only from standpipes and shall not open or draw from fire hydrants, and that they shall observe the rules and regulations made by the Water Company concerning the waste of water and its use for other purposes than street sprinkling.

The Water Company reserves the right to refuse water to any such person, or driver, or street railway company, who is found to disobey its rules and regulations, or who shall draw water for purposes other than street sprinkling, or use it in a wasteful manner, or use it outside the corporate limits of the Town of Montclair; and it is understood and agreed that the Water Company may furnish water to adjacent communities and customers through the mains now laid or to be laid.

9. It is further agreed that standpipes shall be erected as directed by the Town Council, from which water is to be drawn for street sprinkling, and that the cost of providing and erecting such standpipes shall be borne by the party of the second part.

10. And this indenture further witnesseth, that the said party of the second part, in consideration of the above, for itself and its successors, doth hereby covenant, promise and agree to and with the said party of the first part, their successors and assigns, to pay therefor the said several moneys so to become due to them as aforesaid, whether as the price of water so to be furnished to said hydrants, or for other purposes herein specified; and furthermore to do all and every such act or acts hereinbefore required to be done by the party

of the second part or its Town Council, without unnecessary delay, when called upon by the said party of the first part to do the same.

11. In case of dispute between the parties hereto in regard to any of the provisions of this contract, it is agreed that the same shall be settled by arbitration, one arbitrator being named by the Town Council, one by the Water Company, and a third to be selected by the two so chosen, and the decision of a majority of these arbitrators shall be final.

12. This contract shall be in force for the period of fifteen years from and after the first day of December in the year eighteen hundred and ninety-seven, unless sooner terminated as provided in Section 2, and shall extend to and be obligatory upon the parties hereto and their successors and assigns respectively.

This contract is made pursuant to an act entitled "An act to authorize any of the municipal corporations of this State to contract for a supply or a further or other supply of water therefor," approved April 2d, 1888.

In witness whereof the Town Council of the said Town of Montclair, in the County of Essex, have caused the common seal of the said municipal corporation to be hereto affixed, and this contract to be signed by their chairman and the Town Clerk, and the said The Montclair Water Company have caused their common seal to be hereto affixed and this contract to be signed by their President and Secretary.

JOHN H. PARSONS,
Chairman of the Council of the
[Seal] Town of Montclair.

Attest:

HARRY TRIPPETT,
Town Clerk.

W. G. SNOW,
[Seal] President.

Attest:

ALBERT P. FISHER,
Secretary.

An Ordinance to Establish Rules and Regulations for the Management and Use of the Public Sewers, Drains and Appurtenances and Connections Therewith.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. All owners of property along the line of any sewers constructed for the purpose of carrying off sewage matter in any of the streets of this town shall connect their houses and other buildings with the sewer in the street adjoining said property, within thirty days after receiving notice to make such connections from the local Board of Health; said notice to be served by delivering the same to the owner of said property, or by leaving the same at the residence of the owner with a member of the family above the age of fourteen years, and explaining the contents thereof; or, in case of a non-resident owner, by serving the same upon the resident agent, if any, and by mailing the same by registered letter to the owner's last known post office address.

SEC. 2. Before any building or premises shall be connected with a public sewer the owner thereof must obtain a written permit from the Superintendent of Roads and Sewers authorizing such connection to be made; but such permits shall be issued to only those owners who present a written certificate from the local Board of Health, or its authorized agent, that the plumbing of said building has been inspected by them and approved for sewer connection.

SEC. 3. Every application shall be signed by the owner of the building or premises, or by his or her authorized agent; shall state the name and address of the owner and applicant; describe buildings sufficiently to identify the same, and specify by ground plan or otherwise the point or points in the wall of the building where it is desired that the connections shall be made; shall state the name and business address of the contractor who is to do the work of making the connection, and no other person than the one named shall do the work under penalty fixed for violations of the provisions of this ordinance.

SEC. 4. The Committee on Roads and Sewers appointed by the Town Council shall be the agents of the town as to matters falling under the operation of this ordinance, and shall appoint and employ the necessary inspectors and exercise the power hereinafter mentioned

in the name and subject to the approval and ratification of the Town Council.

SEC. 5. The Superintendent of Roads and Sewers shall report to the Committee on Roads and Sewers upon the applications filed with him as nearly as possible in the order in which they are received, and the Committee may return any application for correction in form or substance, or for any other reason satisfactory to them, may suspend action on or reject any application and shall grant permits in proper cases. The agents and employees of the Committee on Roads and Sewers shall have the right to enter the buildings or premises mentioned in any application whenever necessary to examine the same or to supervise any work thereon.

SEC. 6. Every permit shall be signed by the Chairman of the Committee on Roads and Sewers, and shall be issued by the Superintendent of Roads and Sewers upon the receipt by him of five dollars inspection fee for each building or premises, to cover the cost of supervision of the work, and it shall be his duty to keep a record of the permits so issued. The Committee on Roads and Sewers may, for satisfactory causes, revoke a permit. Every application and permit shall be subject to the regulations and conditions created and imposed by this ordinance, and no applicant or person to whom a permit shall be granted, or his or her successors in interest, shall have the right to claim or demand any damages against the Town of Montclair, its agents and servants, in consequence of the refusal or revocation of a permit or of delay in acting on any application or because of the cutting off of a connection under the provisions of this ordinance.

SEC. 7. All connections shall be made at the cost of the owner, under the supervision and subject to the inspection and approval of the Superintendent of Roads and Sewers.

SEC. 8. No permit shall be granted under the provisions of this ordinance unless the contractor named in the application as the person who is to do the work shall have deposited with the Town Treasurer the sum of ten dollars and shall have filed with the Town a bond in the sum of one thousand dollars, conditioned for a compliance with all the provisions and conditions of this ordinance in the prosecution of all the work done by him under permits granted pursuant to this ordinance, and also providing for indemnity from all damages arising in consequence of the prosecuting of the work. All pavements, macadam and flagging or board walks, which it may be necessary to

remove or disturb in connecting any building or premises with the public sewer, shall be at once restored by the contractor without expense to the town, to as good condition as before removal or disturbance.

SEC. 9. The Committee on Roads and Sewers may maintain an action in the corporate name of the Town of Montclair against the owner to recover any payment that shall become due, or to enforce any of the regulations under this ordinance.

SEC. 10. No permit shall be granted to connect any cesspool or privy vault with the public sewer.

SEC. 11. No rainwater leader or pipe for the drainage of any cellar, or for the conveyance of storm water or surface water shall be connected directly or indirectly with the sewer, but where under-drains exist beneath the public sewer permits for connecting cellar drainage, received only through agricultural tile laid about the walls or foundation of the building, may under proper restrictions, be issued.

SEC. 12. Any person who shall make a connection with the public sewer contrary to the provisions of this ordinance or shall violate any of its provisions, shall upon conviction thereof, forfeit and pay a fine of twenty dollars for each offence, to be imposed and collected as provided by law for the imposition and collection of penalties for the violation of ordinances of the town.

SEC. 13. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Adopted May 11, 1903.

An Ordinance to Prohibit Picking, Breaking and Destroying Flowers, Shrubs, Bushes and Trees in Public Parks in the Town of Montclair.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. No person shall pick, break, mutilate or destroy any flower, shrub, bush or tree in any public park now existing or which may hereafter be established within the limits of the said town, whether such park shall be under the care, custody or control of the

town authorities of the said town or of the Essex County Park Commission or otherwise.

SEC. 2. Every person who offends against any provision of this ordinance shall be liable to a fine of ten dollars for each offence.

Adopted June 22nd, 1903.

An Ordinance to License and Regulate Carriages and Vehicles Used for the Transportation of Passengers in the Town of Montclair and the Owners and Drivers Thereof.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. No person shall drive, keep or use for hire or wages, or cause to be driven, kept or used for hire or wages, any public hack, cab or other vehicle for the transportation of passengers within the limits of the Town of Montclair, in the County of Essex, without having a license therefor according to the provisions of this ordinance, under penalty of Ten Dollars for each and every offense.

SEC. 2. Every applicant for such license shall pay to the Town Clerk, for the use of the town, a fee for granting such license, as follows:

For each hack, cab or other vehicle, Five Dollars per year; and for each driver of a hack, cab, or other vehicle, other than the owner thereof, One Dollar per year.

Every applicant as owner must be at least twenty-one years of age and every applicant for a driver's license must be at least eighteen years of age, and all applicants shall be resident of the said Town of Montclair, and of good moral character. If the application is for a license to keep for use or hire a hack, cab or other vehicle, the applicant shall be the owner of a good vehicle of the kind for which a license is desired, and of a good horse or horses sufficient and proper for use therewith, and no licenses shall be granted except upon the recommendation of the Police Committee of the Town Council of said town.

SEC. 3. Every license granted under this ordinance shall state the object for which it is granted, the name of the person licensed, the

number of the license and the date of its expiration, which shall be the 30th day of April next following the date of issue thereof. The Town Clerk shall keep a register of all licenses granted, showing the number and date of each license, and the name of each person licensed.

SEC. 4. Any license granted under this ordinance may be suspended or revoked by the Town Council on good cause appearing to them for so doing, and during such suspension, or after such revocation, such license shall be inoperative and of no effect.

SEC. 5. The prices which may be charged by the owners or drivers of hacks, cabs and other licensed vehicles under this ordinance shall be as follows:

For conveying each passenger from the railroad stations of any point south of Watchung avenue to another point in Montclair south of Watchung avenue, twenty-five cents, except that fifty cents may be charged for conveying each passenger from a railroad station to any point on Upper Mountain avenue north of Berkeley place, to any part of Highland avenue or Undercliff road or to any point north of Watchung avenue. For conveying each passenger from railroad stations or any other point north of Watchung avenue to another point north of Watchung avenue, twenty-five cents; and to any point south of Watchung avenue, fifty cents. Between the hours of 10 p. m. and 6 a. m. these prices may be doubled.

Each passenger shall be allowed to have carried upon such hack, cab or conveyance, his ordinary traveling baggage, for which the charge shall be: For one trunk and twenty-five pounds of other baggage, not exceeding in the whole one hundred pounds, twenty-five cents, and for every additional trunk or other article in excess of one hundred pounds, twenty-five cents.

SEC. 6. Every person to whom a license to keep for use or hire any vehicle, shall be issued, shall cause the number of such license to be displayed in plain figures in a conspicuous place on each vehicle so licensed, and kept there continuously while such vehicle is in use, and on a lamp to be carried on each side of such conveyance, which lamps shall be kept lighted from one hour after sunset until one hour before sunrise. He shall also cause to be fixed in every hack or other licensed vehicle for the transportation of passengers, so that it can be conveniently read by every person therein, a card containing the name of the owner of the vehicle, the number of his license and the

rates of fare established by this ordinance, and also a copy of this ordinance plainly printed in good type upon cardboard or heavy paper. A copy of said ordinance, so prepared, shall be furnished to each licensee by the Town Clerk.

Every driver of such vehicle shall, when required to do so by a passenger, exhibit to each passenger a true copy of this ordinance. Every driver of a hack or other licensed vehicle shall also display the number of his license conspicuously upon his hat or cap, or outer coat.

SEC. 7. [*As am'd.*] No driver of any hack or other licensed vehicle, shall stand or move his horses to solicit patronage at any railroad stations or places of public assemblage or entertainment, except in such places as shall be designated by the Police Committee of the Town Council, and approved by the Council. No owner or driver of any hack, cab or other licensed vehicle shall, while waiting for employment, or otherwise, solicit custom in any noisy, persistent or offensive manner, or use indecent or profane language, or be guilty of boisterous talking or shouting, or any disorderly conduct, or vex or annoy travelers or citizens or at any time employ any other person to ask or solicit travelers or citizens for employment. No owner or driver of any licensed vehicle, the same being disengaged, shall refuse to carry any orderly person and his baggage, as designated in this ordinance, to any place in the Town of Montclair, nor shall extort or demand any sum for so doing, other than he is entitled to receive by Section 5 of this ordinance; and every hackman, being engaged, shall display in a conspicuous place on his hack, a placard bearing the word "Engaged," said cards to be furnished by the Town Clerk.

SEC. 8. It shall be the duty of the Police Committee of the Town Council to inspect the vehicles and horses of all applicants for licenses, and of all licensees under this ordinance, from time to time, and to report thereon to the Town Council; said committee is hereby authorized, subject to approval by the Town Council, to designate such places within the town as public stands for hacks, cabs and other licensed vehicles as they may deem expedient and proper, and to make such regulations and give such directions respecting the places or positions to be occupied by carriages or vehicles of any description at the public stands, or at the railroad stations, or elsewhere, as may be necessary to preserve order, and promote public convenience. And no conveyance which is not eligible for business on call shall stand at any of said public stands so designated.

SEC. 9. [*As am'd.*] Any person violating any of the provisions of this ordinance shall be subject to a penalty of Ten Dollars for each offence.

SEC. 10. An ordinance concerning licenses to hackmen and others, approved December 29, 1890, and an ordinance to amend an ordinance concerning licenses to hackmen and others, adopted October 7, 1895, are hereby repealed; provided, however, that all licenses heretofore issued and now in force shall continue in full force until the date of their expiration, unless sooner suspended or revoked for cause.

An additional section:

SEC. 11. No person having a license under the said ordinance shall drive any vehicle owned or driven by him in a reckless manner, or at a higher rate of speed than six miles per hour. Every person so offending shall, in addition to suffering the penalty provided for a violation of this ordinance, be liable to a revocation of his license by the Council.

As amended to February 16th, 1906.

An Ordinance Providing for the Licensing of Dogs.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. Every person who owns, harbors or possesses one or more dogs, within the limits of the Town of Montclair, shall procure a yearly license for each dog, and shall pay the sum of one dollar as a license fee for every male dog, and the sum of three dollars as a license fee for every female dog, to be paid and collected as hereinafter provided.

SEC. 2. Every person who harbors or possesses any dog for a period of fifteen days or more shall for the purposes of this ordinance be deemed to be the owner of the dog or dogs so harbored or possessed.

SEC. 3. The owner of every dog shall pay the said license fee to the Town Clerk on or before the first day of April in each year. The Town Clerk, upon payment to him of the said license fee shall

thereupon issue to each person paying such license fee a license for the keeping of such dog, which license shall contain the name and address of the owner of such dog, a short description of the dog, indicating breed, sex and markings, and also the number of such license, and shall bear the signature of the Town Clerk. The said license shall expire on the first day of April in the year following the granting of such license. The Town Clerk shall also issue, together with the said license, a numbered metal tag, which tag shall be, by the owner, securely fixed or fastened to a strap or collar, to be worn around the neck of the dog so licensed, and which tag shall have stamped thereon the words "Licensed Dog, Montclair, N. J.," with the year for which issued. The tag for a female dog should have stamped on it the words "Licensed Female Dog, Montclair, N. J.," and the year for which issued. Duplicate tags shall be issued only on proof in writing of the owner or a member of the household above the age of fourteen years, satisfactory to the Town Clerk, of the loss of the original tag, and on payment to the Town Clerk of the sum of twenty-five cents.

SEC. 4. [*As am'd Feb. 16, 1906.*] Every owner of any dog, within the said town, who shall neglect or refuse to cause such dog to be licensed in the manner herein provided on or before the first day in April, in each year, shall be deemed guilty of a violation of this ordinance, and upon conviction thereof shall forfeit and pay a penalty of five dollars for each and every offence, provided, however, that any owner of a dog bringing such dog into the Town of Montclair in any year who shall cause the same to be licensed within fifteen days thereafter, shall be taken and deemed to have complied with this ordinance in respect thereto.

SEC. 5. [*As am'd Feb. 16, 1906.*] Any owner who shall suffer an unlicensed dog to run at large, or who shall suffer any dog, whether licensed or not, to run at large without the tag herein provided for, or shall cause or permit any unlicensed dog to wear such tag, shall upon conviction thereof pay a penalty of ten dollars for each and every offence.

SEC. 6. Any dog or dogs not licensed, pursuant to the provisions of this ordinance, shall be subject to seizure by any person appointed for that purpose by the Town Council, and if not redeemed, as hereinafter provided, within forty-eight hours after being seized, may be killed or otherwise disposed of, and any dog that shall not have se-

curely fixed or fastened as aforesaid the tag issued, with the license for such dog shall be deemed to be unlicensed and subject to seizure.

SEC. 7. Any owner of a dog which may have been seized under the provisions of this ordinance shall, upon establishing ownership thereof, to the satisfaction of the Town Clerk, as provided by section three of this ordinance, be entitled to reclaim or redeem such dog, upon payment to the Town Clerk of the sum of two (\$2) dollars, which sum shall be for the use of the town; provided, however, that such claim shall be made and established by such owner before the dog shall have been killed or otherwise disposed of, as provided in the preceding section hereof, and provided further that the owner of any dog which shall have been licensed, pursuant to the provisions of this ordinance, and which shall have been seized, because of the failure of the owner to have securely fixed or fastened to a strap or collar, around the neck of the dog so licensed, the tag provided for in section three of this ordinance, may reclaim or redeem such dog, upon payment to the Town Clerk, for the use of the town, of the sum of one (\$1) dollar; but such redemption shall not release or discharge the owner from the penalty provided by section five hereof.

SEC. 8. The Town Council shall by resolution appoint, at such times and for such terms as may from time to time seem expedient, one or more persons as dog catchers, whose duty it shall be to seize and impound all dogs found being kept or harbored or running at large and liable to seizure under the provisions of this ordinance, and to put to death, or cause to be put to death as humanely as possible, and to be removed from town or buried, all such dogs not redeemed in accordance with the provisions hereof. The compensation of such dog catcher or dog catchers shall be the sum of one (\$1) dollar for each dog lawfully so seized and impounded, and a further sum of twenty-five cents for each dog properly put to death and removed from town or buried in the performance of his or their duty.

SEC. 9. [*As am'd Feb. 16, 1906.*] Any person or persons who shall hinder, interfere with or molest any person appointed as dog catcher, or any assistant employed by him, or any officer of the Town in the performance of any duty enjoined by this ordinance, shall, upon conviction thereof, forfeit and pay a penalty of twenty dollars for every such offence.

SEC. 10. An ordinance entitled "An Ordinance Providing for Licensing of Dogs," adopted October 28, 1901, and all ordinances and

parts of ordinances inconsistent with the provisions of this ordinance, are hereby repealed.

Adopted March 28, 1904.

An Ordinance to Establish Fire Limits Within the Town of Montclair and to Provide for the Proper Enforcement Thereof.

Be it ordained by the Council of the Town of Montclair in the County of Essex, as follows:

SECTION 1. Hereafter there shall not be built or erected within the Town of Montclair, in the County of Essex, within the limits hereinafter specifically designated, any frame building or wooden building, in whole or in part, nor any building unless the outside walls thereof shall be at least eight inches thick; provided, however, that the Town Council may, by resolution passed by a three-fourths vote of all the members thereof, permit frame or wooden or partly frame or wooden buildings to be erected within the said limits when the circumstances of the particular case or cases in their judgment require such exception. The fire limits herein established are as follows, to wit:

Beginning at the southeasterly corner of Bloomfield avenue and St. Luke's place, running thence southerly along the easterly line of St. Luke's place to a point distant 150 feet southwesterly from the southerly line of Bloomfield avenue measured at right angles thereto; thence along a line parallel to Bloomfield avenue to the westerly line of Orange avenue; thence along the westerly line of Orange avenue to the northerly line of Hillside avenue; thence easterly in a straight line crossing Orange avenue and Valley road to the northeast corner of Valley road and Church street; thence along the northerly side of Church street 100 feet; thence northerly parallel to Valley road to a point 150 feet southerly from the southerly side of Bloomfield avenue measured at right angles thereto; thence southeasterly parallel with Bloomfield avenue to the intersection of this line with the northerly side of Church street; thence southwesterly crossing Church street to a point 150 feet south of southerly line of Church street measured at right angles thereto; thence easterly parallel with Church

street to the westerly side of South Fullerton avenue; thence along said westerly side of South Fullerton avenue 180 feet southerly; thence easterly across said avenue and at right angles thereto to a point 150 feet east of the easterly line of said avenue measured at right angles thereto; thence northerly parallel to South Fullerton avenue to a point 150 feet from the south side of Bloomfield avenue measured at right angles thereto; thence southeasterly parallel with Bloomfield avenue to the line of Glen Ridge Borough; thence along said line northerly to a point 150 feet north of Bloomfield avenue measured at right angles thereto; thence northwesterly parallel with Bloomfield avenue to a point 150 feet east of the easterly line of Grove street; thence northerly parallel with Grove street to the southerly line of the property of the D., L. & W. Railroad; thence westerly along said railroad line to the easterly line of Grove street; thence northerly along the last mentioned line to a point distant 150 feet northerly from Glen Ridge avenue measured at right angles thereto; thence northwesterly along a line parallel to Glenridge avenue and distant 150 feet at right angles therefrom until said line intersects a line drawn parallel to Bloomfield avenue and distant 150 feet northerly therefrom; thence along a line parallel to Bloomfield avenue and distant 150 feet northerly therefrom measured at right angles to said avenue, to the westerly side of Park street; thence northerly to the southerly line of Portland place; thence westerly along said line of Portland place and the continuation thereof in a straight line to the easterly side of Bell street; thence southerly along said easterly side of Bell street to a point 150 feet from Bloomfield avenue measured at right angles thereto; thence northwesterly parallel to Bloomfield avenue and 150 feet therefrom to the easterly line of the property of Daniel V. Harrison; thence in a straight line to the southeasterly corner of St. Luke's place and Bloomfield avenue, the point of beginning.

Beginning at the southerly side of Walnut street 150 feet westerly from Forest street; thence southerly parallel with Forest street to a point that would be intersected by a line drawn parallel to and 125 feet southerly at right angles from the southerly side of Walnut street as laid out east of Forest street; thence easterly parallel with Walnut street and 125 feet southerly from the southerly line of the same, to a point 150 feet westerly from Greenwood avenue; thence southerly and parallel with Greenwood avenue to a point that would be inter-

sected by the southerly line of Willard place, if extended westerly across Greenwood avenue; thence easterly along said line to a point 150 feet east of Greenwood avenue; thence northerly crossing Willard place to a point on the rear line of Mary E. Reilly's land, said point being about 91 feet north of Willard place; thence easterly along the rear line of the lots fronting on Willard place, said line being the southerly line of land of I. Newton Rudgers and Frederick J. Rudloff, to the easterly line of the right of way of the Erie Railway; thence northerly along the easterly line of said right of way to a point that would be intersected by the northerly line of land of the United States Printing Company if extended easterly; thence westerly along said line to a point 150 feet west of the westerly line of Forest street; thence southerly and parallel with Forest street to the place of beginning.

Beginning at the intersection of the easterly line of the right of way of the Erie Railway and the southerly line of Lorraine avenue; thence easterly along the southerly line of Lorraine avenue crossing Valley road to the northeast corner of land of Mary S. H. Giffin as shown on Tax Maps of Montclair and designated as Lot 1, Block "C," map 16; thence along the easterly line of said land and the westerly line of land of W. O. Persons southerly 200 feet to the southwest corner of said W. O. Persons' land; thence easterly along the southerly line of land of W. O. Persons, John N. and F. C. Ives, Estate Hayward Johnston, Ellen Brooks, A. G. Sime and George C. Holt to the westerly line of land of W. H. Power; thence along said westerly line of land of W. H. Power southerly crossing Bellevue avenue to the northwest corner of Northview avenue and Bellevue avenue; thence along the westerly side of Northview avenue southerly about 220 feet to the northeast corner of land of E. R. North; thence westerly along the northerly line of said land, and the southerly line of land of estate of A. J. Littell to the easterly side of Valley road; thence in a westerly prolongation of said line of said estate of A. J. Littell westerly to the easterly line of said right of way of said railroad; thence northerly along said right of way to the place of beginning.

SEC. 2. Any person who erects any building or suffers or permits to be erected upon any lot or parcel of land owned by him or her, any frame or wooden building, in whole or in part, or any building having its outside walls less than eight inches thick, within the limits hereinbefore prescribed, contrary to the provisions of this ordinance,

shall be liable to a fine or penalty of ten (\$10) dollars for each day that such prohibited building, whether complete or not, stands or remains within such prescribed limits.

SEC. 3. The word "person" as used in this ordinance shall be taken to include a corporation and also one or more persons or corporations jointly offending.

SEC. 4. This ordinance shall take effect immediately, and shall apply to all buildings, extensions or additions, the actual construction of which has not been begun at the time of the adoption of this ordinance.

Adopted March 30th, 1904.

\$250 REWARD.

The Town Council hereby offer a standing reward of \$250 for information leading to the arrest and conviction of any person guilty of the crime of incendiarism within the limits of the Town of Montclair.

HARRY TRIPPETT,
Town Clerk.

April 15th, 1901.

An Ordinance in Relation to Hawkers and Peddlers.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. No person or persons not licensees as provided by this ordinance, shall hawk or peddle in or upon any of the streets, alleys or public places of the said town, any fish, fowl, fruit, vegetables, groceries, dry goods or any other goods, wares or merchandise of any kind whatsoever, without a license therefor as provided in this ordinance.

SEC. 2. The Town Clerk shall, from time to time, on application, issue a license to any person for the purpose of hawking or peddling fish, fowl, fruit, vegetables, groceries, dry goods or any other articles

of whatsoever kind from wagons, carts or other vehicles, or from baskets, packs or other means of carriage by hand, and such license shall expire on the first day of May in each and every year, subject, nevertheless, to be revoked at the option of the Town Council in its discretion, provided, however, that no such license shall be issued without the written approval of the Chief of Police.

SEC. 2. Each and every person so licensed as aforesaid shall pay to the Town Clerk for such license the sum of twenty-five (\$25) dollars for the use of the Town; and such license when issued shall be in force until the first day of May next succeeding the date of the granting of said license; provided, however, that the fee for the license issued after the expiration of six months from the first day of May shall be twelve and one-half (\$12.50) dollars.

SEC. 4. Every person licensed under the provisions of this ordinance shall be entitled to the use of one wagon, cart or other vehicle for each license taken out by him, and no more.

SEC. 5. The Town Clerk shall issue with each license granted under the authority of this ordinance, when a wagon, cart or other vehicle is to be used, duplicate metal plates, bearing the words "Licensed Hawker, Town of Montclair," together with the number of the license and the year for which it is issued, and all carts, wagons, or other vehicles used for the purpose of hawking or peddling as aforesaid, shall have affixed on each side thereof one of the metal plates above mentioned and the name of the licensee in letters at least two inches in height written or painted clearly and distinctly thereon, and all peddlers not using a cart or other vehicle shall wear in a conspicuous place a badge to be furnished by the Town Clerk.

SEC. 6. Licenses granted pursuant hereto are not transferable, and no person or persons having obtained a license as aforesaid shall lend or hire or allow the use of any such vehicle with such licensed person's name thereon or any such badge for the purpose of hawking or peddling.

SEC. 7. Any person licensed as aforesaid, engaged in hawking or peddling as aforesaid, in the streets and public places of the Town of Montclair, shall at all times carry with him, when so engaged, his license, and shall exhibit the same on demand to any citizen of the Town.

SEC. 8. Any person, firm or corporation violating any of the provisions of this ordinance shall be liable to a penalty of five dollars

upon the first conviction, and to a penalty of ten dollars upon the second conviction, and upon the third and every subsequent conviction to a penalty of twenty dollars.

SEC. 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Adopted July 6th, 1908.

An Ordinance to Regulate the Laying and Construction of Sidewalks in the Public Streets of Montclair.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. No sidewalk shall be laid in any public street in the Town of Montclair unless an application to lay the same shall be made in writing to the Superintendent of Roads and Sewers, which application shall specify the location, material and width of the sidewalk intended to be laid, and unless a written permit, signed by the said Superintendent, shall be issued upon said application.

SEC. 2. All flagstone sidewalks hereafter laid shall conform to the following specifications.

1. The flagstone shall be not less than two inches thick.

2. They shall be laid in not less than three inches of sand or coal dust, and shall be laid to the proper grade and line as furnished by the Town Surveyor.

3. All walks across driveways shall be laid with two lines of 16 inch wide crossing flag not less than four inches thick, with twelve inches of cobble stones between and a double row of cobble stones outside of each crossing flag; all to be laid the same as street crossings.

4. All joints shall be cemented and the edges of the stone shall be trimmed to an even line conforming to the width of the walk as described in the application.

SEC. 3. After the walk described in the application is laid, all rubbish shall be cleared away from the street and the earth shall be properly leveled to grade on each side of the walk.

SEC. 4. Any person violating any of the provisions of this ordi-

nance shall, upon conviction thereof, be liable to a fine of twenty dollars for each and every offence.

SEC. 5. This ordinance shall take effect immediately.

Adopted May 23d, 1904.

An Ordinance Providing for the Appointment of an Assistant Collector of Taxes for the Town of Montclair, and to Fix His Term of Office and Compensation and Define His Duties.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

1. There shall be appointed by the Town Council of the Town of Montclair, in the County of Essex one officer to be known and designated as the Assistant Collector of Taxes who shall hold office for the term of one year from the first day of June in each year.

2. The said Assistant Collector shall receive as salary such an amount as, when added to the commissions and fees received by him, shall make a total of twelve hundred dollars per annum, and a proportionate part of said amount for any period less than one year.

3. It shall be the duty of said Assistant Collector to assist the Collector in the performance of his duties, and to serve the town as a "collector of arrears," under the provision of an ordinance entitled "An ordinance relating to the office of Collector of Arrears in the Town of Montclair, in the County of Essex," adopted May 20, 1901, whenever specially appointed for that purpose; he shall also execute all warrants for the collection of taxes when deputized for that purpose by the Collector, and shall perform such other duties in the collection of taxes and assessments as the Council may from time to time by resolution require, not inconsistent with the duties and responsibilities of the Collector as fixed by law.

4. All fees and commissions of every kind which the Assistant Collector shall collect or receive in the performance of his duties, including the sums, if any, received by him as Collector of Arrears under the aforesaid ordinance, shall be credited by him on account of said salary, and the Assistant Collector shall account for and pay

over to the Collector forthwith all taxes and assessments which he may receive, less such fees and commissions.

5. The Assistant Collector shall furnish a bond in addition to the bond required as Collector of Arrears of Taxes under the aforesaid ordinance, for the proper performance of his duties in such amount and with such sureties as the Town Council shall from time to time by resolution approve, and all expense incurred in procuring such bond shall be paid by the Town of Montclair.

Adopted May 23d, 1904.

An Ordinance to Regulate and Prohibit the Distribution of Medicinal Preparations, Advertisements and Circulars in the Town of Montclair.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. No person shall hereafter deposit or leave on any of the public streets, highways or public places of the said Town of Montclair, or on private property, or in any private place or places within said municipality, any medicine, medicinal preparation or preparation represented to cure ailments or diseases of the body or mind, or any sample thereof or any advertisement or circulars relating thereto; provided, however, that nothing in this ordinance contained shall be held to prohibit a delivery of any such article by handing the same to any person above twelve years of age willing to receive the same.

SEC. 2. Every person offending against the provision of this ordinance shall, on conviction thereof, forfeit and pay a penalty of fifty (\$50) dollars for every such offence.

Adopted July 11th, 1904.

An Ordinance to Prevent the Accumulation of Packing Boxes, Excelsior, Waste Paper, and Other Inflammable Material and Rubbish, in or near Any Building.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. Hereafter no owner or occupant of any building within the Town of Montclair shall deposit, collect or accumulate, or cause or suffer or permit to be deposited, collected or accumulated, any packing boxes, excelsior, waste paper, or any inflammable material or rubbish in or upon such building or upon the lot whereon said building is erected, within twenty-five feet of the said building or of any other building within the said Town of Montclair, in such quantities as to increase the danger of fire.

SEC. 2. Every person who shall violate the provisions of Section 1 of this ordinance and who shall fail to remove such accumulation within twenty-four hours after being notified so to do by the Chief of Police or the Chief Engineer of the Fire Department of the said Town, shall, upon conviction thereof, forfeit and pay a penalty of ten dollars for each offence.

Adopted September 10th, 1904.

An Ordinance to Regulate and Prohibit the Discharge of Firearms, Fire-crackers, Torpedoes and Fireworks Within the Limits of the Town of Montclair.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. From and after the passage of this ordinance it shall be unlawful for any person to fire, discharge, explode, or set off any gun, cannon, pistol, toy pistol, fire-cracker, torpedo, bomb, sky-rocket, Roman candle or other firearm or fireworks for the purpose of making a noise or display within the limits of the said Town of Montclair, except during the twenty-four hours of the fourth day of July, or in case the fourth day of July happens upon a Sunday, within the twenty-four hours of the day which is celebrated as the Fourth

of July, without a special permit or license for that purpose authorized by the Town Council and signed by the Chief of Police or person acting in that capacity.

SEC. 2. [*As am'd Feb. 16, 1906.*] Any person offending against or violating the provisions of Section 1 of this ordinance shall, upon conviction thereof, forfeit and pay a penalty of twenty (\$20) dollars.

Adopted February 16th, 1906.

An Ordinance Prescribing the Duties to Be Performed by the Town Attorney.

Whereas, in and by the thirty-seventh section of an Act entitled "An Act for the formation, establishment and government of Towns," approved March 7, 1895, it is provided that the Town Attorney shall be appointed by the Council and shall hold office for the term of one year and shall perform such duties as the Council shall by ordinance prescribe:

Now, therefore, be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

1. The duties of the Town Attorney appointed for the Town of Montclair, in the County of Essex, in addition to the duties now required by law, shall hereafter be as follows:

ATTENDANCE AT MEETINGS.

He shall attend at all regular meetings of the Council and all special meetings thereof, of which he shall have due notice, and also all meetings of standing or special committees when requested to attend by the Chairman of such Committee, unless prevented by absence from Town or other sufficient reason, and shall while at such meeting give such advice relating to the laws governing the action of the Council or Committee as shall be then and there required of him. If he shall be unable to attend any of the aforesaid meetings he shall, in every case where possible, send notice to the Mayor, or to the Chairman of the Committee whose meeting he shall be unable to attend. of his inability to be present and of the reason therefor.

LITIGATIONS.

He shall act as attorney or solicitor and counsel of the Town in all litigations in the Courts of law or equity of the State of New Jersey or of the United States to which the Town shall be a party, or in which the Town shall have a direct interest, and shall have the usual powers of and duties of attorneys or of solicitors and counsel in all such cases; he shall further represent the Town in all appeals from the Recorder's Court for the violation of Town ordinances, and shall, when called upon by the Recorder for that purpose, advise the Recorder as to his powers in any special case pending before him for violation of a Town ordinance. In all cases before the Recorder in which an important right or prerogative of the Town, or the validity of an ordinance passed by the Town Council shall be called in question, he shall, if notified, represent the Town in the trial of the cause before the Recorder's Court.

OPINIONS.

He shall, when requested by the Council, by the Mayor of the Town or by the Chairman of a Committee, give advice in writing upon all questions falling within the scope of the duties of the respective bodies or officers who shall make such request, and shall give advice to every Town official who shall call upon him for that purpose respecting the law governing the performance of the duties of such officer, such advice to be given orally or in writing, as may be most appropriate to the circumstances of the case.

DRAFTING CONTRACTS AND ORDINANCES.

He shall prepare or approve all written contracts for the performance of public works to which the Town shall be a party, and shall advise the Council as to the form of deeds of dedication and other instruments which may be presented to the Council and which require action by that body. He shall, when requested by the Mayor, or any member of the Council, prepare for presentation to the Council by such member, drafts of ordinances upon any subject upon which the Council may have power to legislate.

Adopted Jan. 8, 1906.

An Ordinance Providing for the Collection, Removal and Disposal of Ashes and Garbage.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

Hereafter all garbage and ashes made and produced within the limits of the Town of Montclair shall be collected, removed and disposed of at public expense in such manner as the Council shall from time to time by resolution or vote of the majority of said Council determine. The expense of such collection, removal and disposal shall be met by taxation and paid out of the moneys which may from time to time hereafter be appropriated by the Town Council for such purposes.

Adopted May 28th, 1906.

An Ordinance to Establish, Regulate and Control a Day and Night Police.

The Council of the Town of Montclair, in the County of Essex, do ordain as follows:

SECTION 1. The police force of this Town shall hereafter consist of a chief of police, one or more sergeants of police, one or more roundsmen and such number of patrolmen not exceeding one for each eight hundred inhabitants including the chief, sergeants, roundsmen and patrolmen, serving as such at the time of the adoption of this ordinance, each of whom shall hold office during good behavior, and so many chancemen as shall be from time to time appointed by the Council.

SEC. 2. It shall be the duty of the Committee on Police, annually appointed by the Mayor from the members of the Council, to enforce such rules and regulations for the government, control and discipline of the police force as shall have been or may hereafter be, from time to time adopted by the Council, and such Committee shall inflict such penalties for misbehavior or delinquency, except removal or dismissal from the force, as shall be authorized by such rules and regulations.

SEC. 3. No police officer shall be dismissed or removed except upon charges in writing presented to the Council; immediately upon receiving any such charges the Council shall appoint a time and place

for hearing the same, and it shall be the duty of the Town Clerk to serve a copy of the charges, together with a notice of the time and place of hearing, upon the accused officer at least three days before such time; at the time and place so appointed the Council shall meet and hear the evidence offered to substantiate or rebut the charges and shall determine whether or not the accused officer is guilty of the charges made against him; if they find him guilty the Council may adopt a resolution dismissing or removing him from the force, or may provide for such other penalty as may be authorized by the rules and regulations.

SEC. 4. Every police officer shall have power with or without warrant to arrest and take into custody any person who shall commit in the present of such officer, or within his view, any crime or violate any ordinance of this Town; such officer shall forthwith, or as soon as practicable, convey the person arrested before the Recorder for examination.

SEC. 5. And be it ordained that the salaries and compensation to be paid to members of the police force shall be as follows:

Chief of police, fifteen hundred dollars per year payable in equal monthly installments.

Sergeants, each, ninety dollars per month.

Roundsmen, each, eighty-five dollars per month.

Patrolmen, each, seventy dollars per month, except that such patrolmen as have served as such for three years shall be paid seventy-five dollars per month, and such patrolmen as have served as such for six years shall be paid eighty dollars per month.

Chancemen, each, twenty-eight (28) cents per hour for actual services rendered. Provided that no chanceman performing full duty shall receive more than sixty-five dollars for such service during any one month. The chief of police, sergeants, roundsmen and each patrolman of the police force shall be supplied by the Town with not exceeding two suits of uniform per year, in addition to the compensation herein provided.

SEC. 6. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Adopted February 11th, 1907.

An Ordinance to Include Within the Limits of the First Election District of the Second Ward of the Town of Montclair, in the County of Essex, a Certain Territory Annexed to Said Town by the Legislature of the State of New Jersey.

Whereas, the Legislature of the State of New Jersey, session of 1907, passed an Act whereby the territory below described was set off from the Township of Verona and annexed to the Town of Montclair in said County, to wit:

Beginning at a point in the northerly line of Bloomfield avenue at its point of intersection with the boundary line between the Town of Montclair and Township of Verona; thence (1) westerly along the said northerly line of Bloomfield avenue and a prolongation thereof to its intersection with the centre line of Clairmont avenue; thence (2) north forty-one degrees forty-eight minutes west about two hundred and sixty feet along the centre line of Clairmont avenue to its intersection with the centre line of Crestmount road; thence (3) northeasterly about seven hundred and forty feet along the centre line of Crestmount road and following the curve thereof to the intersection thereof with the southerly line of lands of Arthur T. Stilson; thence (4) south thirty-seven degrees three minutes east along the said southerly line of lands of said Stilson about one hundred and eighty feet to its intersection with said boundary line between the Town of Montclair and Township of Verona; thence (5) southerly along said boundary line between the Town of Montclair and Township of Verona about seven hundred and sixty feet to its intersection with the northerly line of Bloomfield avenue at the point or place of beginning.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. The above described land and territory is hereby annexed to, made a part of and included within the limits of the first election district of the Second Ward of the Town of Montclair.

SEC. 2. This ordinance shall take effect immediately.

Adopted May 27, 1907.

An Ordinance to Provide for the Prevention and Removal of All Encroachments, Obstructions and Incumbrances in and upon Sewers, Drains and Watercourses Within the Limits of the Town of Montclair, in the County of Essex.

Be it ordained by the Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. That the right to prevent and remove all encroachments, obstructions or incumbrances in and upon all sewers, drains and watercourses within the limits of the Town of Montclair shall hereafter be vested in the Committee on Roads and Sewers of said Town Council.

SEC. 2. The said Committee on Roads and Sewers shall have full power and authority to open, clear, clean out, straighten, repair, prevent and remove all encroachments, obstructions and encumbrances in and upon sewers, drains and water courses, and to restore the beds, channels and courses of all such drains and water courses to their original location, width and depth, and to protect by walls or otherwise, the banks of any such bed, channel or course from washing, wearing away or cutting by the flow of water or otherwise.

SEC. 2. In order to perform the acts specified in Section 2 of this ordinance it shall be lawful for the members of said Committee on Roads and Sewers, and its agents, servants and employees, to go upon, over and across the land or lands of any person or persons, corporation or corporations through or along which any sewer, drain or watercourse flow or are located.

SEC. 4. Except as herein provided, no person shall encumber, obstruct or encroach upon the bed, channel or course of any sewer, drain or water course within the limits of the Town of Montclair in any way or manner or with any thing or article whatsoever, under a penalty of twenty (\$20) dollars for each and every offence. And any encroachment, obstruction or incumbrance in and upon any such sewer, drain or watercourse, hereafter put, placed or made by any person or persons, corporation or corporations, shall be by him, her, it or them removed within twenty-four hours after written notice from the Committee on Roads and Sewers of such encroachment, obstruction or incumbrance, and written demand therewith to remove the same; and every such person or persons, corporation or corporations, putting, placing or making such encroachment, obstruction or

incumbrance and failing to remove the same within twenty-four hours after such notice and demand shall be liable to a penalty of twenty (\$20) dollars for each and every such offence, and each day that such encroachment, obstruction or incumbrance shall continue or remain after the aforesaid notice to remove the same, shall constitute a separate offence, and the person or persons, corporation or corporations, so offending shall be liable to a further penalty of twenty (\$20) dollars for each and every day such incumbrance, obstruction or encroachment shall so continue or remain.

SEC. 5. Any person or persons, corporation or corporations, having need to encroach, obstruct or encumber any such sewer, drain or watercourse, shall, before so doing, obtain written permission from said Committee on Roads and Sewers by presentation of a written petition setting forth the particular encroachment, obstruction or incumbrance, or one or more of them, and upon what sewer, drain or watercourse, to be made, done or accomplished; the nature and extent of such encroachment, obstruction or incumbrance; and whether temporary or permanent; the reason therefor, and a map showing the location, width and depth of any such sewer, drain or watercourse at the time of the presentation of said petition, and upon such petition and personal examination, if such examination shall be deemed advisable to be made by such Committee, said Committee on Roads and Sewers, or a majority of them, if they are satisfied that such incumbrance, encroachment or obstruction, thus applied for, will not damage or injure any such sewer, drain or watercourse, may grant permission in writing to the said applicant to do, make or accomplish such encroachment, obstruction or incumbrance upon any such sewer, drain or watercourse, according to and within the limits set forth particularly in said written permission; but if it shall appear to the satisfaction of said Committee on Roads and Sewers or to a majority of them that any such encroachment, obstruction or incumbrance thus petitioned for is likely to or will do damage or injury to any such sewer, drain or watercourse, said Committee on Roads and Sewers shall deny the same.

SEC. 6. This ordinance shall take effect immediately.

Adopted June 10, 1907.

An Ordinance to Regulate, and to Prohibit, Except Under Certain Conditions and Regulations, the Manufacture, Sale, Storage, Keeping, or Conveying of Fireworks, Gunpowder, Kerosene, Benzine, Gasoline, Burning Fluid, Nitro-Glycerine, Dynamite, Camphene, Coal Oil, Spirit Gas, Petroleum and Other Dangerous or Explosive or Inflammable Materials.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. No person, firm or corporation shall sell, store, keep or convey or manufacture gunpowder, firecrackers or fireworks of any description or kind, except in accordance with the provisions of this ordinance, and after permit obtained therefor from the Town Council of the Town of Montclair.

SEC. 2. The following regulations must be observed in respect to all materials named in Section 1 of this ordinance, and failure to comply therewith or to observe the same shall *ipso facto* revoke any permit theretofore granted by the Town Council to the person, firm or corporation violating the same.

(a) Smoking shall not be permitted in any store or place where fireworks, gunpowder or firecrackers are offered for sale, and signs to this effect, in letters at least six inches high, and one inch in width, shall be displayed prominently in one or more places in such sales-room.

(b) Sand or water shall be kept in buckets or pails convenient for quick use in case of fire.

(c) Matches shall not be sold in any store or room where fireworks or firecrackers are offered for sale at retail, nor shall any matches be kept or stored in or on any such premises during such times as fireworks or firecrackers are exposed or offered for sale.

(d) Fireworks and firecrackers of every kind and description must be kept remote from any fires, open flames or the direct rays of the sun, and as far as practicable must be kept in tin or metal receptacles.

SEC. 3. No person, firm or corporation shall keep, manufacture, store, sell or convey within the limits of the Town of Montclair any kerosene, coal oil or gasoline exceeding five gallons in quantity, nor any burning fluid, nitro-glycerine, dynamite, camphene, spirit gas, benzine, petroleum, nor any dangerous, explosive, or inflammable materials, without first having procured a permit from the Town

Council of the Town of Montclair therefor, provided, however, that the conveyance of kerosene and of coal oil through or in said Town shall not require a permit.

SEC. 4. The following regulations must be observed in respect to all of the materials enumerated in Section 3 of this ordinance, and failure to comply therewith or to observe the same shall revoke *ipso facto* any permit which may have been issued to the person, firm or corporation so failing to observe or comply with the regulations:

(a) Volatile, inflammable liquid fuel in quantities less than fifty gallons shall be kept in approved, non-corrosive metal cans, and quantities in excess of fifty gallons in iron or steel tanks of design and construction approved by the Inspector of Buildings of the Town of Montclair, said tanks in all cases to be buried in the ground, and the metal cans to be buried whenever required by the Inspector of Buildings, and the person, firm or corporation owning, controlling, using or having authority thereover, shall bury the same within two days after notice so to do.

(b) No volatile, inflammable liquid fuel shall be conveyed from one place to another in the Town of Montclair or from without to within or from within to without the Town of Montclair in any open can or vessel.

(c) No volatile, inflammable liquid fuel shall be put into or taken out of any automobile, or any self-propelling vehicle or any receptacle therefor, within fifty feet of any lighted lamp, fire or flame.

(d) No volatile, inflammable liquid fuel shall be put into or taken out of any automobile, or other self-propelling vehicle, or any receptacle therefor, between the hours of sunset and sunrise of the day following, unless all lighted lamps, lights or flames, excepting incandescent electric lights, within fifty feet of such automobile, self-propelling vehicle or receptacle, shall have first been extinguished.

(e) Smoking shall not be permitted in any automobile station or garage, or in any place where there is any gasoline, benzine, burning fluid, or any dangerous volatile, inflammable liquid fuel, and signs to this effect in letters at least six inches high shall be prominently displayed in one or more places on or in such building. All persons are forbidden to carry or have a lighted cigar, cigarette, pipe or other lighted smoking matter within any such automobile station or garage.

(f) Under no circumstances shall gasoline or other volatile, inflammable liquid fuel be allowed to run upon the floor of any building

in any quantity, or to fall or pass into the drainage system of the premises where said gasoline, or other volatile, inflammable liquid fuel is, or into the drainage system of the Town of Montclair.

(g) Sand shall be kept in buckets, fit and available for absorbing any waste, oily wastes, or wasted oils, and such sand when saturated shall be taken to a safe place and buried or burnt.

(h) Sand shall be kept in buckets or pails in places convenient for quick use in case of fire.

SEC. 5. The Inspector of Buildings of the Town of Montclair, in the County of Essex, is given full powers to examine and investigate any buildings or premises wherein any of the materials mentioned in the foregoing sections, are manufactured, sold, kept, stored or conveyed. And it is hereby made his duty in addition to any other duties imposed upon him to cause the provisions of this ordinance to be observed and complied with, and to take any and all measures to enforce it as shall be necessary.

SEC. 6. Any person, firm or corporation violating any of the provisions of this ordinance shall be liable to a penalty of twenty dollars for each and every such offence; and any person, firm or corporation, having obtained a permit and violating or failing to comply with and observe any of the rules and regulations hereinbefore set forth, shall be liable to a penalty of twenty dollars, for each and every such offence, in addition to the forfeiture and revocation of the permit

Adopted July 1, 1907.

An Ordinance Fixing the Duties of Town Surveyors, Requiring a Bond, and Fixing the Penalty and Conditions Thereof.

Be it ordained by the Town Council of the Town of Montclair in the County of Essex, as follows:

SECTION 1. The Town Surveyor shall perform such surveying and engineering services as may be required by the Town Council or any Committee thereof.

SEC. 2. It shall be the duty of the Town Surveyor to prepare for the Board of Assessors appointed to estimate, compute, fix, determine and make all assessments for damages caused by any local improve-

ment in the Town of Montclair, all surveys, maps and plans required in the making of such assessments, and to furnish the said Board of Assessors with the data they may need in the prosecution and completion of the work to which they are appointed, unless the said surveyor shall be disqualified by reason of interest in the proposed improvement or otherwise.

SEC. 3. It shall be the duty of the Surveyor to cause all real estate in the Town of Montclair to be delineated correctly upon the Tax Assessment Maps of the Town of Montclair, and keep the same accurate. He shall make or cause to be made memorandums of all transfers of real estate within the Town of Montclair, with the name or names of the persons to whom such transfers shall be made. He shall examine the description of each lot or plot contained in such transfer, and compare the same with the Assessment Maps, and correct any errors he may find therein from time to time.

SEC. 4. Each Surveyor before entering upon the performance of his duties as such shall execute to the Town of Montclair, in the County of Essex, a bond in the penal sum of two thousand dollars, conditioned for the well and faithful performance of his duties as such Surveyor, and the further condition that in case of any error on his part which causes damage to the Town of Montclair, in the County of Essex, and the said Town of Montclair, in the County of Essex, is compelled to pay to any person, firm or corporation any sum of money for or on account of such error, the Surveyor will, upon demand, pay such sum by the Town of Montclair, in the County of Essex, paid, not exceeding the amount of the penalty of such bond.

SEC. 5. Such bond shall be executed by two or more sureties, who shall justify separately on the back of or annexed to said bond, that they are respectively worth the sums to be stated in their respective justifications, over and above all debts by them owing or incurred, or for which their property is liable or encumbered, at the time of justification, and over and above all exemptions by law of their property from execution; the sums stated in such justifications on such bond shall in the aggregate amount to double the penalty of such bond. The execution of such bond shall be acknowledged by the Town Surveyor and his sureties before some person authorized to take acknowledgment of deeds, and a certificate of such acknowledgment made thereon. Such bond shall be submitted to the Town Council for its approval, or rejection; and in case of rejection the

same shall be made satisfactory to the said Town Council. Any surety company authorized to do business in New Jersey, alone, may act as surety instead of two or more sureties, provided said bond shall be approved by the Town Council.

SEC. 6. In case of failure or neglect to furnish such bond within twenty days after appointment of the Surveyor; or if unsatisfactory to said Town Council, to furnish a bond that is satisfactory within twenty days after such rejection, said office shall be declared vacant by said Town Council.

SEC. 7. No bond shall be required of any Surveyor, who shall be appointed or selected to do some particular work because of the inability or disqualification of the then Town Surveyor to do the work.

SEC. 8. This ordinance shall take effect immediately, but the present Town Surveyor shall furnish a bond hereunder to be approved by the Town Council, within twenty days after notice from the Town Council so to do.

Adopted July 8, 1907.

An Ordinance to Regulate, License or Prohibit Inns or Taverns, and the Sale or Transfer of Spirituous, Vinous, Malt or Other Strong or Intoxicating Liquors.

Be it ordained by the Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. No person or persons, corporation or association whatever, shall be hereafter allowed within the limits of the Town of Montclair to keep an inn or tavern, or to sell or permit to be sold on his, her, their or its premises, or to sell or assist in selling elsewhere in said Town, or to take orders from and deliver to consumers, on any street or other place in said Town, any wine, rum, gin, brandy, whiskey, cider spirits, or other ardent spirits or any ale, beer, porter, or any spirituous, vinous, brewed or malt liquors, until such person or corporation or association, shall have been first licensed therefor by the Town Council of the said Town of Montclair, in the County of Essex; provided, however, that any druggist or pharmacist, regularly employed in carrying on the drug and pharmacy business, may

sell said liquors or any of them, by less measures than one quart, without a license for that purpose first had and obtained; provided, however, that such liquors so sold be in good faith compounded or sold for medicinal purposes and uses only, upon the prescription of a reputable physician of the Town of Montclair, signed by such physician, said liquor so sold or compounded not to be used or drank on or about the premises where sold.

No person, corporation, co-partnership, or association shall hereafter sell, transfer, distribute or deliver any spirituous, vinous, malt or other strong or intoxicating liquors to any person within the limits of the Town of Montclair without first being licensed under this ordinance; provided, however, that nothing herein contained shall be held to forbid the delivery in said Town of any liquors which may have been in good faith lawfully sold outside the Town of Montclair and ordered to be delivered at some specified place or to some specified person within said Town.

SEC. 2. No person or persons, corporation or association whatever, shall hereafter be allowed within the limits of the said Town to carry on within said Town the business of buying beer in quantities and bottling and selling the same when bottled not to be drunk on the premises where bottled, or selling bottled beer not to be drunk on the premises where sold, until such person or persons, corporation or association, shall have been first licensed therefor by the Town Council of the said Town of Montclair, in the County of Essex; provided, however, that any person having what is known as a wholesale license for the sale of spirituous, vinous, malt or brewed liquors in quantities from one quart to five gallons not to be drunk on the premises where sold, shall be exempt from the provisions or operations of this section.

That no person shall be licensed to carry on within the said Town the business of buying beer in quantities and bottling and selling the same when bottled not to be drunk on the premises where bottled, or selling bottled beer not to be drunk on the premises where sold, unless a written application for the license shall be made and signed by the applicant stating the place where he proposes to locate his place of business; said application shall be accompanied by a bond to the Town of Montclair, in the County of Essex, in the sum of one thousand dollars signed by the applicant and by two resident freeholders of the Town who shall justify as sureties in the sum of five hundred dollars each, conditioned that if such application shall be

granted, such applicant will comply with all the laws of the State of New Jersey relating to the business of buying beer in quantities and selling the same when bottled not to be drunk on the premises where bottled, or selling bottled beer not to be drunk on the premises where sold, and all the provisions of this ordinance in respect to the same. Said application under this section may be in writing or partly written and printed. Upon being satisfied that the license fee provided by this ordinance has been deposited with the Clerk of said Town and before action thereon, one week's notice of such application, stating the names of the applicant and bondsmen and the place where it is proposed to locate such place of business shall be published in the official newspaper of the Town, and after hearing objections that may be made to the granting of such license, the Council shall grant or refuse the same in its discretion. All licenses under this section shall run for the term of one year from the first day of July to the thirtieth day of June, both dates inclusive, and no longer.

Every person, except those mentioned in the proviso of Section 2 of this ordinance, carrying on the business specified in Section 2 of this ordinance without a license for that purpose first had and obtained, as in this ordinance directed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of one hundred dollars, and for the second offence shall be punished by imprisonment in the county jail for a term of three months.

SECTION 3. No person or persons, corporation or association, licensed to keep an inn or tavern within the limits of said Town of Montclair, in the County of Essex, shall sell or permit to be sold, on his, her, their or its premises, any wine, rum, gin, brandy, whisky, cider spirits or other ardent spirits, or any ale, beer, porter, or any spirituous, vinous, brewed or malt liquors in quantities of from one quart to five gallons to be drunk off the premises where sold, and no license to keep an inn or tavern shall be granted by the Town Council of the Town of Montclair, unless the license fee, provided by this ordinance, shall have been deposited with the Clerk of the said Town of Montclair, and the application therefor shall have been made in writing, stating the location of the proposed inn and tavern and signed by the applicant, who shall certify under oath that he has two spare beds more than necessary for his family's use and is well provided with house room, stabling and provender; said application shall be accompanied by a bond to the Town of Montclair, in

the County of Essex, in the sum of one thousand dollars, signed by the applicant and two resident freeholders of the ward where the proposed inn or tavern is to be located, who shall justify as sureties in the sum of five hundred dollars each, conditioned that if such application shall be granted the applicant shall comply with the laws of the State of New Jersey relating to inns and taverns and all the provisions of this ordinance.

The sureties referred to in this section shall be eligible as bondsmen for only one applicant for license during the same year.

Before any such license shall be granted one week's notice shall be published in the official newspaper of the town, setting forth the names of the applicant and bondsmen, and the place where it is proposed to locate such inn or tavern, and opportunity shall be given to all persons interested, to make known any facts or objections within their individual knowledge, if any there be, why such license should not be granted, and after hearing such objections, if any there be, the Council may in its discretion grant or refuse the license applied for.

SEC. 4. That no person shall be licensed to sell ale, strong beer, lager beer, porter, wine or other malt liquors, in quantities less than one quart, to be drank on or about the premises where sold, within the limits of said town, unless a written application for the license shall be made and signed by the applicant stating the kind or kinds of malt liquors he proposes to sell and the place where he proposes to locate his place of business, which shall be in the front portion of a building or a public street and within thirty feet of the street line, after which shall follow an affidavit of the applicant that he will keep a quiet and orderly house according to the requirements of the law and the provisions of this ordinance; such application shall be accompanied by a bond to the Town of Montclair, in the County of Essex, in the sum of one thousand dollars, signed by the applicant and two resident freeholders of the ward where said applicant proposes to locate his place of business, who shall justify as sureties in the sum of five hundred dollars each, conditioned that if the application be granted said applicant will conform to all the requirements of law relating to saloons and all the provisions of this ordinance. The sureties referred to in this section shall be eligible as bondsmen for only one applicant for license during the same year.

Upon the receipt of such application and bond with proof that the

license fee required by this ordinance has been deposited with the Clerk of said Town and before action thereon, one week's notice of such application, stating the names of the applicant and bondsmen and the place where it is proposed to locate such place of business shall be published in the official newspaper of the town, and after hearing any objections that may be made to the granting of such license the Council shall grant or refuse the same in its discretion.

SEC. 5. All applications for licenses to sell any of the liquors aforesaid, in any quantity from one quart to five gallons shall be written or partly written, and printed, signed by the applicant, specifying the kind or kinds of liquors to be sold, and the building or place in which the sale of such liquor is to be carried on. Upon being satisfied that the license fee provided by this ordinance has been deposited with the Clerk of said Town, the Council, on the presentation of the application or at some other time to which the same may be deferred, may, in its discretion, grant or refuse such application for license.

SEC. 6. That every person before he or she shall receive a license to sell spirituous, vinous, malt or brewed liquors within the limits of the Town of Montclair under this ordinance, in quantities of from one quart to five gallons to be drunk off the premises where sold, shall become bound to the Town of Montclair, in the County of Essex, in the sum of one thousand dollars with two sufficient sureties being resident freeholders of the Town, who shall justify in the sum of five hundred dollars each conditioned for the observance of this ordinance.

SEC. 7. The fee required to be paid before granting a license to keep an inn or tavern, or to sell spirituous, vinous, brewed or malt liquors in the Town of Montclair, in quantities less than one quart, to be drunk on or about the premises where sold, shall be the sum of eight hundred dollars per year, and the fees required to be paid before the granting of any license under this ordinance to sell any of the aforesaid liquors in quantities of from one quart to five gallons shall be the sum of seven hundred dollars per year, and the fee required to be paid before the granting of any license under this ordinance to carry on within said Town the business of buying beer in quantities and bottling and selling the same when bottled not to be drunk on the premises where bottled, or selling bottled beer not to be drunk on the premises where sold, shall be the sum of six hundred dollars

per year, and the license fee shall be deposited with the Town Clerk, at the time that the application for such license is filed, and if the application is rejected said deposit shall be returned to the applicant.

SEC. 8. All licenses for the sale of spirituous, vinous, malt or brewed liquors in the said Town of Montclair shall run for the term of one year from the first day of July to the thirtieth day of the following June, both dates inclusive, and no longer.

SEC. 9. No license granted by the Town Council of the Town of Montclair for any of the purposes referred to in Sections 3, 4 and 5 of this ordinance shall be valid for any other person or at any other place than those named in the license unless with the consent of the Town Council, and such consent shall not be given, except upon an application in writing, signed by the applicant, if the transfer sought be from one place to another, or by the transferee, if from one person to another, accompanied by a bond of the same character and conditions as required in making an original application for such license.

SEC. 10. No holder of any such license as is mentioned and referred to in Sections 3, 4 and 5 of this ordinance shall sell, or offer for sale, barter or give or suffer to be sold or offered for sale, bartered or given within any tavern, beer shop, liquor saloon or other premises, any spirituous, vinous, malt or brewed liquors, on the first day of the week commonly called Sunday; or give, sell or deliver, or offer to be given, sold or delivered, any such liquors to any boy or girl under the age of twenty-one years; or sell or furnish any of the liquors aforesaid to any person known in the neighborhood to be of confirmed intemperate habits or who is visibly under the influence of intoxicating liquors; or keep a disorderly house, or harbor drunken persons, thieves, gamblers, prostitutes or other disorderly persons, or suffer gambling or unlawful games of chance or other unlawful acts to be done or carried on in his tavern, beer shop, liquor saloon or other premises.

SEC. 11. No saloon keeper, tavern keeper or other dealer in alcoholic or malt liquors shall permit any boy or girl under the age of twenty-one years to lounge in or frequent the rooms or places where such liquors are kept or sold.

SEC. 12. Every holder of a license to keep an inn or tavern for the sale of spirituous, vinous, malt or brewed liquors shall keep the license displayed in a conspicuous position in the room or place where

his or their sales are made; and any omission so to display and exhibit such license shall be presumptive evidence that any person or persons omitting to display or exhibit the same has or have no license.

SEC. 13. Every inn and tavern, ale and lager beer saloon, wholesale and retail liquor store, within the limits of the Town of Montclair shall be closed between the hours of eleven o'clock in the evening and seven o'clock in the morning of the following day, and during all of Sunday, and every election day until the polls are closed, and on all legal holidays where the law of the State of New Jersey allows of no sale on such holidays, and on all other legal holidays from one o'clock in the afternoon till seven o'clock in the morning of the following day; and during the times herein specified a full view of the entire interior of such bars or business rooms in the Town of Montclair shall not thereafter during the times so specified as aforesaid, be obstructed from the public street by the use of non-transparent glass, or of a shade, blind, shutter, screen, merchandise or any other article placed within or without the building in which such room is located. During the times specified for the closing of said places no person, except the proprietor, shall be permitted, unless for the purpose of cleaning said places and replenishing refrigerators, as may be necessary, between the hours of seven and nine-thirty A. M. to enter the same, provided, however, no person except the proprietor or his regular employees shall be permitted, unless in case of fire, to enter said places for any purpose, during the times specified for the closing of the same.

SEC. 14. Every person who shall sell or permit to be sold upon his, her or their premises any spirituous, vinous, malt or brewed liquors within the limits of the Town of Montclair, in the County of Essex, or who shall sell or assist in selling such liquors elsewhere within the limits of said Town of Montclair, without having first obtained a license therefor, pursuant to the provisions of this ordinance, and every person to whom any such license shall have been granted, pursuant to Section 4 of this ordinance, who shall sell any other kind of liquors than are therein enumerated, and every person to whom any such license shall have been granted pursuant to Section 5 of this ordinance who shall sell any of the liquors aforesaid in any quantity less than one quart, or suffer or allow the same to be drank on the premises where sold, and every person who shall violate any of the provisions of this ordinance, shall pay a fine of twenty dollars

for every such offence, and in case of non-payment thereof be imprisoned in the County Jail for a period of thirty days; and for a second conviction within six months of a violation of any of the provisions of this ordinance he or she shall pay a fine of one hundred dollars, or shall be imprisoned in the County Jail for a term of three months, and in addition to the penalties named in this section, to be incurred by any holder of such license, his or her license shall be revoked.

No saloon keeper, tavern keeper or other dealer in alcoholic or malt liquors shall sell or give, or suffer or permit any person in his employ to sell or give, any kind of alcoholic, vinous or malt liquors to any policeman or fireman of the said Town of Montclair while on duty or while in uniform.

SEC. 15. If the holder of any license under the provisions of this ordinance shall be convicted of being drunk on his own premises, besides the penalty consequent on the crime of drunkenness, his license shall immediately thereupon become void.

SEC. 16. All applicants for licenses shall file their applications and bonds in form as hereinbefore prescribed and deposit the license fees with the Clerk on or before the first Monday in June in each year.

SEC. 17. All ordinances or parts of ordinance inconsistent with the provisions of this ordinance are hereby repealed.

Adopted May 11th, 1908.

An Ordinance to Regulate and Prohibit the Kindling of Fires and Burning of Papers and Rubbish in the Town of Montclair.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. No person, firm or corporation shall hereafter kindle any fire on any public street, or in any alley or open lot of land, or yard, within the fire limits of the Town of Montclair, without first having secured a permit so to do from the Inspector of Buildings, and no person, firm or corporation shall, within the fire limits, on any street or in any alley or yard, or upon any open lot, burn or

consume by fire any rubbish, wood or other material of any kind at any time.

SEC. 2. Any person, firm or corporation violating the above provisions of this ordinance shall be liable to forfeit and pay a penalty of twenty (\$20) dollars for each and every such offence.

Adopted November 11, 1907.

An Ordinance for the Control of Barking Dogs and Dogs Running at Large.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. No person shall suffer any dog owned or harbored by him to attack or bite any person while upon any street or public place, or while such dog is trespassing upon the property of another.

SEC. 2. The penalty for the first conviction for breach of Section 1 of this ordinance shall be a fine of Five Dollars, and upon a second conviction for breach thereof, the dog shall be destroyed and the guilty person shall be subject to a fine of Ten Dollars.

SEC. 3. No person shall permit any dog owned or controlled by him to disturb the sleep and rest of the neighborhood by barking or howling between the hours of 9 p. m. and 6 a. m. of the following day.

SEC. 4. The penalty for the first conviction for breach of Section 3 of this ordinance shall be a fine of Five Dollars and the penalty for each subsequent conviction for breach thereof shall be a fine of Ten Dollars.

SEC. 5. This ordinance shall take effect immediately.

Adopted June 22, 1908.

An Ordinance to Include Within the Limits of the First Ward of the Town of Montclair, in the County of Essex, a Certain Territory Annexed to Said Town by the Legislature of the State of New Jersey.

Whereas, the Legislature of the State of New Jersey, session of 1907, passed an Act whereby the territory below described was set off from the Townships of Acquackanonk and Little Falls and annexed to the Town of Montclair, in the County of Essex, which territory is bounded and described as follows:

Beginning at a point in the line between the County of Essex and County of Passaic, where said line intersects the easterly line of the Greenwood Lake Branch of the Erie; thence northerly along the easterly line of said railroad to the line of land of the North Jersey Land Company; thence easterly, along the line between lands of said North Jersey Land Company and lands of the State of New Jersey, to the northeasterly corner of lands of the State of New Jersey; thence southerly along the line of lands of the State of New Jersey to a corner in said lands; thence easterly to Valley Road; thence southerly along the westerly side of Valley Road to Fifth avenue; thence westerly along Fifth avenue to a point in the line between the County of Passaic and the County of Essex; thence along said county line to the point or place of beginning.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

SECTION 1. The above described land and territory is hereby annexed to and made a part of and included within the limits of the first election district of the First Ward of the Town of Montclair.

SEC. 2. This ordinance shall take effect immediately.

Adopted May 25, 1908.

SANITARY CODE.

An Ordinance Establishing a Sanitary Code for the Town of Montclair.

The Board of Health of the Town of Montclair, in the County of Essex, by virtue of the provisions of the act of the Legislature of New Jersey, entitled "An Act to Establish in this State Boards of Health and a Bureau of Vital Statistics, and to define their Respective Powers and Duties," approved March 31, 1887, and of other acts, doth hereby ordain as follows:

ARTICLE I.

DEFINITION OF TERMS.

SECTION 1. The term "Board of Health" or "Board" as used in this ordinance shall be construed to mean the Board of Health of the Town of Montclair or its official representative, except where otherwise specified, when the Board is not in session.

SEC. 2. The term "Person" as used in this ordinance shall be construed to mean any person or persons, corporation or association of persons.

SEC. 3. The term "Food" as used in this ordinance shall include every article used for food or drink by man, and every ingredient in such article, and all confectionery.

ARTICLE II.

NUISANCES.

SEC. 1. Whatever is dangerous to human health, whatever renders the ground, the water, the air, or food a hazard or an injury to

human health, and the following specific acts, conditions and things are, each and all of them, hereby declared to constitute nuisances:

(a) The deposit or accumulation of any foul, decaying, or putrescent substance or other offensive matter in or upon any lot, street, or highway or in or upon any public or private place; the storage of such foul or decaying or putrescent matter in liquid or solid form in any vault, cesspool or other receptacle; the overflow of any foul liquids or the escape of any gases to such extent that the same or any one of them shall become or be likely to become hazardous to health or that the same shall, by reason of offensive odors, become a source of discomfort to persons living or passing in the vicinity thereof.

(b) A polluted well, spring, or stream or the pollution of any body of water used for drinking purposes.

(c) The maintenance of any privy vault or cesspool.

(d) Keeping any building or room in such a state of uncleanness or the crowding of persons in any building or room in such a manner as to endanger the health of the persons dwelling therein; or so that there shall be less than four hundred (400) cubic feet of air to each adult and one hundred and fifty (150) cubic feet of air to each child under twelve years of age occupying such building or room.

(e) Allowing cellars to be used as sleeping rooms.

(f) A building or portion of a building occupied as a dwelling which is not lighted and ventilated by means of at least one window in each room, said window opening to the outer air; which is not provided with a plentiful supply of pure water; which is not provided with at least one water closet (or privy when no sewer is available) for every two families; which is not provided with one sink for each family, said sink to be connected to a properly constructed cesspool if no sewer is available; and which is not provided with plumbing that is kept at all times in a sanitary condition.

(g) Renting or occupying any building or portion of a building, dwellings excepted, for any purpose whatsoever except it be provided with at least one water closet for every fifteen persons, or fraction thereof, employed therein.

(h) The accumulation of manure unless it be in a properly constructed pit.

(i) The accumulation of water in which mosquito larvae breed.

SEC. 2. Any person maintaining or aiding in the creation or maintenance of any nuisance shall, upon conviction thereof, forfeit and pay a penalty of ten dollars for the first offense and twenty-five dollars for each subsequent offense, and each day during which a nuisance is allowed to exist shall constitute a separate and distinct offense.

ARTICLE III.

PRIVY VAULTS, CESSPOOLS AND MANURE PITS.

SEC. 1. No privy vault, cesspool nor manure pit shall hereafter be constructed in the Town of Montclair without a permit therefor from this Board. This shall not prohibit the construction of temporary privy vaults during the erection of new buildings; but in all such cases the contractor shall cause the contents of such vaults to be covered with lime, fresh earth or ashes twice each day. All privy vaults, cesspools and manure pits for the construction of which permits may be granted shall be built water tight and shall be fly-proof, and all existing privy vaults, cesspools and manure pits shall be made fly-proof within thirty days of the passage of this ordinance.

SEC. 2. No privy vault nor cesspool shall hereafter be constructed or maintained on any lot or premises having a sewer connection or abutting on a street in which there is a sewer; and no privy vault, cesspool nor manure pit shall hereafter be constructed within fifty feet of any spring, well or stream, within five feet of any party line or fence, within fifteen feet of the line of any street or within twenty-five feet of the door or window of any house; nor shall any cover be put upon or over the same until the said privy vault, cesspool or manure pit has been inspected and approved by the Board of Health.

SEC. 3. No rain water leader, waste pipe nor soil pipe shall discharge into or be connected with any privy vault, nor shall a privy vault, cesspool or manure pit be directly or indirectly connected with any sewer. No drainage from any stable or other building shall discharge into a manure pit. Every manure pit shall be kept dry.

SEC. 4. Any person violating any of the provisions of this article shall, upon conviction thereof, forfeit and pay a penalty of ten dollars, and each day during which a violation of this article is allowed to exist shall constitute a separate and distinct offense.

ARTICLE IV.

STORAGE, REMOVAL AND DISPOSAL OF REFUSE MATTER.

SEC. 1. No privy vault nor cesspool in the Town of Montclair shall hereafter be cleaned, nor shall any material from the same, nor any garbage, ashes, swill, refuse, dead animals or other matter which is or which may become offensive or dangerous to health, be conveyed through the streets of Montclair, by any person who has not first obtained a license from this Board permitting him to perform such services or acts in accordance with the provisions of this article and of such other ordinances, rules and regulations as the Board may from time to time adopt.

SEC. 2. All persons required by the preceding section to obtain a license shall make application for the same to the Board of Health, in writing, stating the nature of the business they intend to conduct, or the acts to be performed, the number and kind of wagons or other vehicles to be used in such business and the disposition to be made of the material they may remove, collect or convey, and also stating such other information as the Board of Health may from time to time require. In case an application is granted, the Board of Health, at a regular meeting, shall issue a license for one year to the applicant upon receipt of the proper license fee or fees established by this article.

SEC. 3. The license fee to be paid under this article shall be as follows:

For each permit to empty cesspools, the sum of ten dollars for the first wagon or other vehicle, and the sum of five dollars for each additional vehicle.

For each permit to empty privy vaults, the sum of ten dollars for the first wagon or other vehicle, and the sum of five dollars for each additional vehicle.

For each permit to remove dead animals, the sum of two dollars without regard to the number of vehicles employed.

For each permit to collect and remove garbage, ashes, swill and other material included in Section 1, and not previously included in this section, the sum of three dollars for the first wagon or other vehicle employed, and the sum of one dollar for each additional wagon or vehicle.

Such license may be revoked at any time by the Board whenever, in its judgment, the licensee has violated any provision of this article or any rule, regulation or order made by this Board.

SEC. 4. All vehicles or receptacles used under any permit from the Board of Health shall be such as may be approved by the said Board, shall be kept clean and inoffensive, and shall be covered with tightly fitting wooden, metal or canvas covers, securely fastened, which covers shall be kept closed at all times, except when opened for the admission or discharge of proper matter.

SEC. 5. None of the material collected, conveyed or handled under this article shall be disposed of within the Town of Montclair in any manner not approved by the Board of Health; and every person removing night soil from a privy vault or cesspool shall notify this Board immediately of the disposition made of the contents thereof.

No garbage, offal, nor other decaying or putrescible matter, either by itself or in connection with ashes or other harmless matter, shall be used for the purpose of filling in any lot or other space.

SEC. 6. All garbage and offal which shall accumulate anywhere in the Town of Montclair, or which is stored, kept or retained therein, shall be kept in water-tight iron or steel receptacles provided with tightly fitting covers, all properly treated to prevent corrosion..

SEC. 7. The contents of said receptacles shall be emptied only into vehicles licensed by this Board. Said receptacles shall be kept clean, and no rain-water nor any other fluid shall be allowed to enter therein, except for purposes of cleaning.

SEC. 8. No such vehicle shall stand in the streets or other public places at any time except when being loaded.

Every wagon and vehicle licensed under this article shall have its license number conspicuously painted upon each side thereof, in figures at least four inches high.

SEC. 9. Any person violating any of the provisions of this article shall, upon conviction thereof, forfeit and pay a penalty of ten dollars for each offense.

ARTICLE V.

SPITTING IN PUBLIC PLACES.

SEC. 1. Spitting upon the floor, platform or any other part of a public conveyance, upon the floor, steps or stairs of any public build-

ing, school, church, store, shop or railway station, upon the sidewalk of any public or private street, upon the pathway of any park, or in any other public place, is hereby declared to be a nuisance, and any person or persons creating such a nuisance shall, upon conviction thereof, forfeit and pay a penalty of two dollars for each offense.

ARTICLE VI.

SWINE AND CATTLE.

SEC. 1. Any person desiring to keep swine or cows within the Town of Montclair shall, before keeping the same, apply to the Board of Health in writing, stating the location of the enclosure in which it is proposed to keep the said swine or cows and the approximate number which is to be kept in said enclosure; and no person shall keep the said swine or cows unless said petition is favorably acted upon by the Board of Health at a regular meeting, and a permit in writing is granted by said Board.

SEC. 2. Any person violating any of the provisions of this article shall, upon conviction thereof, forfeit and pay a penalty of ten dollars, and each day during which a violation of this article is allowed to exist shall constitute a separate and distinct offense.

ARTICLE VII.

FOOD.

SEC. 1. The sale or exposure for sale of any article of food that is decayed or putrefied, or that has become chemically or physically changed so that it is unwholesome or unfit for food, or that has been exposed to the infection of any communicable disease, is hereby prohibited, and all such food shall be disposed of in a manner approved by this Board.

SEC. 2. All fruit, vegetables and other food stored or exposed for sale upon any sidewalk or outside of any building in the Town of Montclair shall be placed upon stands, tables or other structures having a height of at least twenty inches above the sidewalk or ground. No food which ordinarily is consumed without further cooking (fruit and vegetables excepted) shall be exposed for sale

outside any building or within any store, or delivered except in closed containers.

SEC. 3. No sleeping room nor any room of a dwelling, apartment or tenement shall be directly connected with a room which is used as a restaurant or public dining room or with the room in which the food for consumption in said dining room is to be prepared or cooked.

SEC. 4. No store in which food is sold shall be directly connected with any sleeping room or with any room of a dwelling, apartment or tenement.

SEC. 5. All bakeries or bake shops in the Town of Montclair shall be open at any time to inspection by this Board. Said bakeries or bake shops shall be kept in a thoroughly sanitary condition, shall be used for no other purpose and shall not be connected with any sleeping room nor with any room of a dwelling, apartment or tenement.

SEC. 6. All persons engaged in the sale of ice cream in the Town of Montclair shall file with this Board before the first day of June of each year a true statement of the place where the milk and cream to be used is produced, of the place of manufacture and from whom said ice cream is purchased. All premises where ice cream is manufactured for sale in Montclair shall be kept in a thoroughly sanitary condition and shall be open to this Board for inspection at any time. No refrozen ice cream, nor any ice cream one or all of the various ingredients of which could not be sold separately under this ordinance, shall be sold or offered for sale in the Town of Montclair.

SEC. 7. All persons hereafter engaged in the sale of ice in the Town of Montclair shall file with this Board before the first day of June of each year a complete list of places from which said supply is originally obtained, and said Board shall be notified immediately of any change in the source of the supply. No supply shall be obtained from a source which is contaminated or which is so situated that it may become contaminated.

SEC. 8. No milk shall be sold from any store unless said store has adequate facilities for keeping said milk at a temperature below 50 deg. F., and no milk shall be stored or sold at a temperature higher than 50 deg. F. All milk shall be kept and delivered in the original bottles.

SEC. 9. All refrigerators or ice boxes maintained in any butcher shop or other mercantile shop in the Town of Montclair shall be open to inspection by this Board at any time when business is being carried

on in said shop. No person shall allow any animal or vegetable matter which is foul or which is in a state of decay to remain within said refrigerator or ice box, nor shall the said refrigerator or ice box be allowed to become foul or malodorous.

SEC. 10. All glasses or other drinking utensils used at soda fountains, inn-taverns, or at other refreshment stands, shall be washed and rinsed in running water before each separate use thereof.

SEC. 11. Any person violating any of the provisions of this article shall, upon conviction thereof, forfeit and pay a penalty of ten dollars for the first offense and twenty-five dollars for each subsequent offense.

ARTICLE VIII.

MILK AND ITS PRODUCTION.

SEC. 1. No milk shall hereafter be produced, sold, exposed for sale or delivered within the Town of Montclair unless it is produced and handled in accordance with the requirements of this article.

SEC. 2. No person shall hereafter engage in the sale or exposure for sale of milk within the Town of Montclair without first having filed with the Board of Health a true and complete statement of the locality from which all the milk they handle is produced, a complete list of the persons from whom the said milk is purchased, and a complete list of the localities from which ice for cooling purposes is obtained; and if at any time the place at which said milk is produced or the persons from whom the said milk is purchased or the locality from which said ice is obtained be changed, the said Board shall be notified immediately. On or before the fifteenth day of June and of December of each year, and at any other time within three days of the receipt of a request therefor, any person engaged in the sale of milk in Montclair shall furnish said Board with a complete list of all persons to whom milk is regularly sold.

SEC. 3. All premises whereon milk is produced or handled for sale or distribution in the Town of Montclair shall be open to this Board for inspection at any time, and owners of cows from which said milk is produced shall permit a veterinarian in the employ of this Board to examine said cows at any time.

SEC. 4. *Stables.* Cows shall be stabled under light, dry and well

ventilated conditions, and the stables shall conform in all respects to the requirements hereinafter set forth, viz.:

(a) Any portion of a barn used as a cow stable shall be tightly ceiled overhead shall be entirely partitioned off from the rest of the barn and shall not be used for the storage of farm utensils, nor for any other purpose.

(b) The walls and ceilings of said stables, not otherwise treated in a manner approved by this Board, shall be whitewashed at least every six months.

(c) Stables shall have at least two square feet of unobstructed window glass per five hundred cubic feet of air space, the windows to be arranged so as to light all portions of the stable effectively.

(d) Each cow shall have at least three feet in width of floor space when fastened in stanchions, and in all cases where no adequate artificial means of ventilation is provided, each animal shall have air space of at least six hundred cubic feet.

(e) All stables shall be provided with a tight, dry floor and the manure drops or urine gutters shall be water tight and shall be thoroughly cleaned at least twice each day.

(f) No manure, garbage, nor other putrescible matter shall be allowed within one hundred feet of any cow stable, milk house, or cooling room; and the drainage from said buildings shall be such that no liquid wastes can collect within this distance.

SEC. 5. *Cows and Feed.* (a) No milk shall be sold or offered for sale or distributed in the Town of Montclair except from cows in good health nor unless the cows from which it is obtained have, within one year, been examined by a veterinarian whose competency is vouched for by the State Veterinary Association of the State in which the herd is located, and a certificate signed by such veterinarian has been filed with the Board of Health stating the number of cows in each herd that are free from disease. This examination *shall include the tuberculin test* and charts showing the reaction of each individual cow shall be filed with this Board. All cows which react shall be removed from the premises at once if the sale of milk is to continue, and no cows shall be added to a herd until certificates of satisfactory tuberculin tests of said cows have been filed with this Board.

(b) Cows shall at all times be kept in a clean condition and the

udders shall be washed or wiped with a clean, damp cloth immediately before milking.

(c) No milk shall be obtained from any cow which has calved within ten days or from any cow within thirty days before the normal time of calving.

(d) All milk shall be obtained from cows fed and watered under the following conditions: All food given to such cows shall be sweet and wholesome. The use of either distillery slops or fermented brewery grains is prohibited, and their presence on any dairy premises will be considered sufficient cause for the exclusion of the milk from such dairies from sale or delivery in said town. Water supplied to cows shall be pure and free from all contamination from stable or household wastes, and no spring or shallow well in or adjoining any stable yard shall be used for watering said cows.

SEC. 6. *Employees and Utensils.* (a) All milkers and all other attendants handling milk in any dairy shall be personally clean. When entering upon their duties connected with the dairy their hands and outer garments must be clean.

(b) Utensils used for the collection and transportation of milk shall, before being used, be thoroughly washed with pure water and soda or soap, or by some other approved means, and then *sterilized by steam*.

(c) As soon as milk is drawn from a cow, and before straining, it must be removed from the stable to a separate room where it shall be strained immediately. It shall then, within forty-five minutes of the time of milking, and in a building separate from the said stable, be cooled to 50 deg. F., or below, by some method approved by this Board. The above-mentioned cooling room shall be properly ventilated and lighted, shall be used for no other purpose than that indicated above, shall at all times be kept in a clean condition, and shall not be connected with any stable, barn or dwelling.

(d) All milk shall be delivered in bottles, but no milk in partially filled bottles shall be sold or offered for sale. No tickets shall be used in connection with the sale or delivery of milk. No bottles shall be filled, capped or recapped outside the dairy building regularly used for this purpose, and said bottling room shall at all times be kept in a clean and sanitary condition. Milk bottles shall be used for no other purpose than as receptacles for milk.

(e) If at any time any person or persons having any connection

with a dairy, or with the handling of milk, or any resident member of the family of any person so connected, shall be stricken with cholera, small pox, diphtheria, membranous croup, typhus, typhoid or scarlet fever, measles, tuberculosis, syphilis or any other communicable disease that may hereafter be declared by this Board to be dangerous to the public health, notice shall be given to said Board immediately by the owner or owners of such dairies, and said Board may order the sale of such milk discontinued for such time as it deems necessary. No milk produced from the dairy of any person failing to give notice shall hereafter be sold or exposed for sale or delivered in the Town of Montclair until special permission therefor has been granted by said Board.

SEC. 7. *Milk.* (a) Samples of milk shall be furnished this Board by any producer or dealer at any time upon proper payment therefor.

(b) Milk supplies found to contain over 100,000 bacteria per cubic centimeter on two or more different days will be excluded from Montclair until satisfactory evidence is shown that the milk may be reasonably expected to contain less than this number of bacteria. [As am'd April 6, 1908.] The Board of Health may, from time to time, when in its opinion the public interest may require, permit, by resolution, the sale of milk that is produced under conditions other than as herein specified, provided that such milk is pasteurized by subjecting it to a temperature of 150 deg. F. for twenty minutes, or by an equivalent process.

(c) No pasteurized milk shall be sold in the Town of Montclair unless it is conspicuously labelled "PASTEURIZED." Said label shall also state the degree (temperature and length of exposure at that temperature) and date of pasteurization.

(d) No substance or compound shall be added to any milk which is to be exposed or offered for sale and no substance shall be subtracted therefrom.

(e) No milk shall be sold in Montclair which is obtained from a dealer who handles in part a supply not approved by this Board; and no person shall deliver or offer for sale in the Town of Montclair any milk unless the entire supply which he handles complies with the requirements hereinbefore set forth, unless satisfactory evidence is given this Board that the two supplies are kept separate.

(f) No milk shall be delivered, stored, or transported at a temperature exceeding 50 deg. F.

(g) No ice which is obtained from a source which is contaminated or which is so situated that it may become contaminated, shall be used for cooling milk.

SEC. 8. *Cream.* No cream shall be sold, exposed for sale or delivered within the Town of Montclair unless it be produced and handled in accordance with the requirements hereinbefore set forth for the production and handling of milk.

SEC. 9. Any person violating any of the provisions of this article shall, upon conviction thereof, forfeit and pay a penalty of twenty-five dollars for each offense.

ARTICLE IX.

THE REGISTRAR AND THE REGISTRATION OF VITAL STATISTICS.

SEC. 1. There shall be appointed annually, by the Board of Health, a suitable person to be Registrar of Vital Statistics in and for the Town of Montclair, in the County of Essex, who shall serve until the first day of January next succeeding his appointment, or until his successor is appointed and qualified.

SEC. 2. In addition to the duties prescribed to be performed by such officer by the Laws of the State, the Registrar of Vital Statistics shall perform such other duties as may from time to time be required by the Board of Health. He shall, in addition to transmitting to the State Bureau of Vital Statistics all certificates of marriages, births and deaths received by him, report the same to the local Board of Health at least once in each month.

SEC. 3. The returns of all marriages, births and deaths required by law, or by any ordinance of the Board of Health, to be made by physicians, midwives, nurses, clergymen, magistrates, undertakers and other persons professionally officiating at such marriage, birth or death, shall be made to the Registrar of Vital Statistics, and for each failure to make return or report of such marriages, births or deaths within the time specified by law, said person shall, upon conviction thereof, forfeit and pay a penalty of twenty dollars.

ARTICLE X.

COMMUNICABLE DISEASES.

SEC. 1. Every physician shall report in writing to this Board the name of every patient he or she may have in the Town of Montclair with cholera, smallpox, diphtheria, typhus, typhoid or scarlet fever, measles, tuberculosis in any form, varicella, mumps, whooping cough, epidemic dysentery, trachoma, malaria, epidemic cerebro-spinal meningitis or any other communicable disease that may be hereafter declared by this Board to be dangerous to the public health, together with the precise locality where such patient may be found, immediately after such physician shall ascertain the nature of such disease, and shall be entitled to receive ten cents therefor from the disbursing officer of the town.

SEC. 2. Whenever it shall be deemed necessary by this Board to establish the true character of any disease which is suspected to be communicable, a medical examination of the person or persons affected by such disease may be ordered by said Board. Any person or persons interfering with or refusing to permit such examination shall be guilty of violating this article.

SEC. 3. No principal, teacher, nor superintendent of any school shall knowingly permit any child sick with any disease mentioned in Section 1, or with any other communicable disease, or any child residing in any house in which scarlet fever, diphtheria, smallpox, measles or epidemic cerebro-spinal meningitis shall exist, to attend any school until such time as the Board of Health certifies to such teacher, principal or superintendent that the said child may attend school without danger of communicating the disease to others.

SEC. 4. No person from any dwelling wherein a disease dangerous to the public health exists shall take any book or magazine to or from any circulating library. The Board will inform the librarian of all cases of said diseases, and until a written permit is given he shall allow neither books nor magazines to be taken to or returned from a dwelling where such cases exist.

No person shall remove milk bottles from a building wherein a disease dangerous to the public health exists, or has existed, until he has first obtained permission in writing from the Board of Health.

SEC. 5. Any person in the Town of Montclair having communicable disease shall be isolated as the Board of Health may direct, and all buildings, clothing, property, premises and vehicles which may be infected by emanations from such persons shall be disinfected as the Board of Health may direct. No premises will be disinfected after diphtheria until at least two negative cultures, taken on successive days, have been obtained from the throat of the patient, or from the nose if a case of nasal diphtheria.

SEC. 4. No person shall knowingly bring or cause to be brought into the Town of Montclair any person infected with any communicable disease, except upon a permit granted by the Board of Health; and no person shall knowingly bring or cause to be brought into said town any article liable to propagate a communicable disease.

SEC. 7. Whenever there shall occur in the Town of Montclair any case of cholera, smallpox, diphtheria, membranous croup, typhus or scarlet fever the Board of Health shall place upon the house or houses in which said case or cases are confined a placard naming the disease, said placard to remain until the said premises are disinfected by the said Board; and any person or persons removing said placard without the authority of said Board, shall, upon conviction thereof, forfeit and pay a penalty of fifty dollars.

SEC. 8. Whenever a placard shall be placed, as provided in Section 7, no person nor persons, except the medical attendant and nurses, shall either enter therein or depart therefrom without the permission of the Board of Health.

SEC. 9. In case a coach, hack, cab, carriage or other vehicle shall convey a patient suffering from a communicable disease, said vehicle shall be disinfected under the direction of the Board of Health before being used again.

SEC. 10. Whenever a person with tuberculosis moves out of a house or an apartment, the attending physician, if there be one, or the active head of the family, shall so notify this Board within twenty-four hours, and both of the above-mentioned persons shall be held equally responsible for a violation of this section.

SEC. 11. Every veterinarian or other person who is called to examine or professionally attend any animal within the Town of Montclair, having the glanders or farcy, rabies, tuberculosis or any other

communicable disease shall, within twenty-four hours thereafter, report in writing to the Board of Health the following facts:

- (1) A statement of the location of such diseased animal.
- (2) The name and address of the owner thereof.
- (3) The type and character of the disease.

SEC. 12. Every animal which is mad or which has hydrophobia, or which shows symptoms thereof, shall be at once killed or else securely confined until the diagnosis is accurately made. Every animal that has been exposed to such disease shall be at once confined in some secure place for such length of time as to show that such exposure has not given such animal said disease, and the body of any animal that has died of such disease, or which being suspected to have such disease has been killed, shall be disposed of as may be directed by the Board of Health.

SEC. 13. Any person violating any of the provisions of this article, shall, upon conviction thereof, forfeit and pay a penalty of fifty dollars.

ARTICLE XI.

BURIAL OF THE DEAD.

SECTION. 1. No body of an adult person shall be buried in the Town of Montclair so that the box or coffin containing it shall be nearer than four feet to the surface of the ground, or in the case of any person deceased under the age of fourteen years, less than three and one-half feet, and no disinterment shall take place between the first day of May and the first day of the following November of any year, nor shall any disinterment take place at any time without a permit from the Board of Health.

SEC. 2. There shall not be a church or other public funeral of any person who has died of smallpox, diphtheria, membranous croup, scarlet fever, measles, yellow fever, typhus fever, leprosy or Asiatic cholera; but the funeral of such person shall be private, and the burial shall take place within twenty-four hours after the death of said person. It shall not be lawful to permit at the funeral of any person who has died of any of the above named diseases, or at any services connected therewith, any person whose attendance is not necessary.

SEC. 3. Every undertaker having notice of the death of any person

within the Town of Montclair from smallpox, varioloid, diphtheria, membranous croup, scarlet fever, typhus fever, Asiatic cholera, leprosy, measles or any other communicable disease dangerous to the general health of the community, or of the bringing of the dead body of any person who has died of any such disease into said town, shall give immediate notice thereof to the Board of Health.

SEC. 4. No public coach, hack, cab or carriage, nor any upholstered vehicle used for the conveyance of passengers, shall be used to convey the body of a person who has died from any communicable disease.

SEC. 5. Any person, corporation or association of persons violating any of the provisions of this article, shall, upon conviction thereof, forfeit and pay a penalty of fifty dollars for each offense.

ARTICLE XII.

BARBER SHOPS.

SECTION 1. Every barber shop within the Town of Montclair shall be open to this Board for inspection at any time, and the following rules shall be observed therein.

(a) All barber shops, together with all furniture, shall be kept in a clean and sanitary condition.

(b) Mugs, shaving brushes, razors, scissors, clipping machines, pincers, needles and other instruments shall be sterilized, either by immersion in boiling water or in alcohol of at least sixty per cent. strength, after each separate use. Combs and brushes shall be thoroughly cleaned with soap and water after each separate use.

(c) Clean towels shall be used for each person.

(d) Alum, or other material used to stop the flow of blood, shall be applied only on a clean towel or other clean cloth.

The use of powder puffs and sponges is prohibited, except that a sponge owned by a customer may be used on him.

(e) Every barber shall thoroughly cleanse his hands immediately before serving each customer.

(f) Every barber shop shall be well ventilated and provided with running hot and cold water.

(g) No barber shop shall be used as a sleeping room.

(h) A copy of this article shall be kept posted in plain view in every barber shop.

SEC. 2. Any person violating any of the provisions of this article shall, upon conviction thereof, forfeit and pay a penalty of ten dollars for each offense.

ARTICLE XIII.

TENEMENT HOUSES.

SECTION 1. Chapter 61 of the State Laws of New Jersey, Session of 1904, entitled "An Act to Improve the Condition of Tenement Houses in This State and to Establish a State Board of Tenement House Supervision," together with amendments thereto, is hereby incorporated into and made a part of this ordinance in so far as it relates to light, air space, sleeping quarters, dirt and filth, storage of refuse, sewer connections, plumbing, cesspools and privies; and any person violating any of the above-mentioned provisions of the said Act shall, upon conviction thereof, forfeit and pay a penalty of fifty dollars for each day during which a violation of said Act is willfully allowed to exist.

ARTICLE XIV.

STREET CARS.

SECTION 1. All street cars operated in the Town of Montclair shall be kept in a thoroughly clean and sanitary condition and a sufficient number of ventilators shall be open at all times to provide a plentiful supply of pure air. At the end of each trip trolley cars shall be ventilated as follows: The doors at each end of the car shall be opened wide and shall remain open for at least two minutes.

SEC. 2. Conductors shall be responsible for the condition of their cars, and any conductor or other person violating or offending against any of the provisions of this article shall, upon conviction thereof, forfeit and pay a penalty of ten dollars for each offense.

ARTICLE XV.

SEWER CONNECTIONS.

SECTION 1. All owners of property along the line of any sewers constructed for the purpose of carrying off sewage matter in any of the streets of Montclair shall connect their houses and other buildings

with the sewer in the street adjoining said property upon notice, from the Board of Health, to make such connection. Said notice shall be served by delivering the same to the owner of said property, or by leaving the same at the residence of the owner with a member of the family above the age of fourteen years, and explaining the contents thereof; or, in case of a non-resident owner, by serving the same upon the resident agents, if any, and by mailing the same by registered letter to the owner's last known post office address.

SEC. 2. Any owner of property who fails to make such connection within thirty days after notification from this Board, shall, upon conviction thereof, forfeit and pay a fine of twenty-five dollars, and an additional fine of ten dollars for each and every day after the said thirty days in which the provisions of this article and of such notice shall not be complied with.

ARTICLE XVI.

THE CONSTRUCTION OF PLUMBING.

SECTION 1. All plumbing and house drainage hereafter installed in the Town of Montclair shall be executed in conformity to the rules, regulations and specifications of this article.

SEC. 2. *Definition of Terms.* The following terms when used in this article shall be construed as follows:

"House" to mean any building.

"House Sewer" to mean that portion of the sewerage system of any building which extends from a point five feet outside the wall of the building to its connection with either a public sewer or a cesspool.

"House Drain" to mean the entire length of horizontal pipe from the house sewer to the soil pipe.

"Soil Pipe" to mean any line of pipe which is designed to convey the discharge from one or more water closets, with or without the wastes from other plumbing fixtures, to the house drain.

"Main Waste" to mean any line of pipe which receives the waste water from plumbing fixtures of any kind except water closets and slop hoppers and is extended upwards through the roof.

"Branch Waste" to mean the length of waste pipe conducting waste water from fixtures except water closets and slop hoppers to the main waste or soil pipe.

"Vertical" to mean more than 45 deg. from the horizontal.

SEC. 3. *Materials, Quality and Weight.* All material used in the installation of plumbing in the Town of Montclair shall conform to the following specifications:

(a) All tile pipe and fittings shall be of the hub or spigot pattern, cylindrical, vitrified, of uniform calibre and smooth bore and free from fire cracks, flaws or other defects.

(b) All cast iron pipe shall be of the grade known as extra heavy, of uniform thickness, and free from flaws, cracks, or other defects. Each length must be truly cylindrical, straight, smooth and sound, with deep sockets. Each length of pipe, trap or fitting shall have the size thereof, weight per foot and maker's name clearly cast or stamped upon the exterior surface thereof. The weight of such pipe per lineal foot must be as follows:

2 inch pipe to weigh	5½ pounds
3 " " " "	9½ "
4 " " " "	13 "
5 " " " "	17 "
6 " " " "	20 "

All cast iron traps and fittings shall correspond in quality, weight and finish with the above specifications.

(c) All wrought iron or steel pipe shall be lap welded, equal in weight and quality to standard lap welded pipe, and properly tested at the pipe mills. All wrought iron or steel pipe shall be galvanized or otherwise protected from corrosion by some method approved by the Board. The weight of wrought iron or steel pipe shall not be less per lineal foot than the following:

1½ inch pipe to weigh	2½ pounds
2 " " " "	3½ "
3 " " " "	7½ "
4 " " " "	10½ "
5 " " " "	14½ "

All wrought iron or steel fittings shall be galvanized or otherwise protected as aforesaid, and such fittings below the water line, or highest fixture, shall be those known in the trade as galvanized drainage fittings.

(d) Lead pipe shall be of the best quality drawn pipe of the

grade known in the trade as "D," and shall weigh, per lineal foot, as follows:

1½ inch pipe to weigh 3½ pounds					
2	"	"	"	"	4 "
3	"	"	"	"	6 "
4	"	"	"	"	8 "

- Lead traps shall be of the same weight as specified for lead pipe.

(e) Brass ferrules shall be of the best quality, extra heavy cast or drawn brass, bell-shaped, not less than four inches long, and shall have the following weight:

2½ inch diameter to weigh 1 pound					
3½	"	"	"	"	1¾ "
4½	"	"	"	"	2 "

(f) All cleanouts in a plumbing system must be closed with extra heavy brass crew caps, and the body of the cleanout ferrule shall be at least equal in length to the caulking ferrule for the same size of pipe. Said cleanouts shall be the full size of the pipe.

SEC. 4. *Sizes of Pipes and Traps.* In the installation of any plumbing in the Town of Montclair, the pipes, traps and fittings used shall be of the following sizes:

(a) House sewers shall not be less than five nor more than six inches in internal diameter.

(b) House drains shall be four inches in internal diameter unless they serve more than eight water closets, in which case the internal diameter shall be at least five inches.

(c) Soil pipe shall be four inches in internal diameter unless it serves more than ten water closets, in which case the internal diameter shall be at least five inches.

(d) Main wastes shall be two inches in internal diameter unless they serve more than six fixtures, in which case the internal diameter shall be at least three inches.

(e) Branch wastes shall be two inches in internal diameter for all fixtures except basins. Branch wastes for basins shall be one and one-half inches in diameter.

(f) The size of traps shall be the same as the branch waste pipe to which they are connected.

SEC. 5. *Joints and Connections.* All joints and connections in any plumbing in the Town of Montclair shall be made according to the following specifications:

(a) Joints between tile pipes and fittings shall be of Portland cement.

(b) Joints between cast iron pipes and fittings shall be caulked joints made with a gasket of hemp or oakum and molten lead, the amount of lead to each joint to be at least twelve ounces for every inch of diameter of the pipe. All such joints shall be caulked and made water tight.

(c) Joints between iron and tile pipe shall be made with Portland cement and in no case shall the iron pipe be more than one size smaller than the vitrified pipe.

(d) Joints between wrought iron pipe and fittings shall be screw joints, and all burrs shall be carefully reamed out.

(e) Joints in lead pipe shall be wiped.

(f) Joints between lead and wrought iron pipe or fittings shall be made with brass soldering nipples.

(g) Joints between lead and brass pipe shall be wiped joints.

(h) Joints between lead and cast iron pipe or fittings shall be made with brass ferrules, the ferrules to be caulked into the iron fittings and joined to the lead pipe by wiped joints.

(i) No connection shall be made by drilling or tapping a pipe.

(j) Earthen or iron water closets having traps above the floor and using lead connections must have a cast brass flange not less than one-eighth of an inch thick soldered to the lead bend and bolted to the closet. The joint shall be made permanently air tight.

SEC. 6. *House Sewers, Material and Arrangement.* House sewers shall be of tile pipe and laid with the following restrictions, or of extra heavy cast iron pipe: Tile pipe shall not begin nearer than five feet to the opening in the exterior wall in the building, nor shall it be laid less than three feet from the surface of the ground; and no line shall be laid within three feet of the wall of any building or of any party line, nor within two feet of any parallel line of water or gas pipe. House sewers in soft, springy or "made" ground shall be of extra heavy cast iron. All house sewers shall have a fall of at least one-fourth inch per foot and each length shall be given a solid bearing and grooves shall be cut in the bottom of the trench to receive the hubs. Said house sewers shall be inspected and approved by the Board of Health before being covered over with earth.

The plumbing of every building shall be separately and independently connected with the public sewer, when such is accessible, and if no sewer is accessible, with a proper cesspool; except that in the case of a building in the rear of a lot, in front of which there is another building, or in the case of a building which does not have access to a sewer over its own premises, the plumbing may be connected to the house sewer which serves another building.

SEC. 7. *House Drain, Material and Arrangement.* The house drain shall be of extra heavy cast iron and shall be supplied with at least two four inch "Y" cleanouts: The first at or near the point where the house drain leaves the foundation wall and on the inner side thereof; the second at the end of the house drain near its junction with the soil pipe. There shall also be a suitable cleanout at the end of each branch of the house drain over ten feet long. In case the house drain is below ground, it shall be laid in trenches to a uniform grade, and removable covers shall be placed over all cleanouts. Said cleanouts shall be surrounded by a brick, stone or cement pit of at least two feet in diameter and sufficiently deep to fall at least two inches below the cleanout screw. All house drains shall have a fall of at least one-fourth inch to the foot, and when above ground they shall be properly secured to the wall or suspended from the floor beams by strong iron hooks or hangers. Changes in direction must be made by means of long sweep quarter bends, by Ys or by 1-8 bends. Ts, T-Ys and 1-2 Ys are prohibited. Intercepting or main house traps are prohibited in all new work.

SEC. 8. *Soil Pipe, Material and Arrangement.* All soil pipe shall be of extra heavy cast iron or of wrought iron, and shall conform in quality to Section 3, except as stated below. Soil pipe over ten feet in length shall be carried, undiminished in size, to a height of at least two feet above the roof and highest opening in the building and six feet away from any chimney. Whenever located below or at one side of and within twenty feet of dormer windows said pipes shall be carried up to the higher roof within the walls and to a point at least two feet above said windows. All soil pipe extensions carried through the roof of an addition to any building the roof of which is not as high as that of the main building, shall be continued upwards to a point at least two feet above all doors and windows in the main building or of any other building, whether on the same or on adjoining lot, if within twenty feet of said doors or windows.

Soil pipe shall be run as nearly vertical as possible, and in all cases shall have a fall of at least one-fourth inch per foot. No quarter bends, except long sweep bends, will be permitted, and when the direction is necessarily changed, Ys, 1-8 bends or long sweep bends must be used. No Ts shall be used, and T-Ys may be used on vertical lines only. In case a soil pipe is more than five feet and less than ten feet in length, a two-inch galvanized or cast iron vent shall be run from a point within two feet of the lead bend, and said vent may be used as a main waste. Each line of soil pipe shall rest at its foot upon a concrete or other masonry pier or foundation to prevent settling, and each line shall be properly secured to the wall or to floor beams. No soil pipe shall be run up outside any new building. In case, however, a new system is introduced into an old building the soil pipe may be run up on the outside of the building, and when so placed must be painted. No pipe so placed shall be supplied with branch fittings. In case of repairs or additions to old work where standard pipe is already installed, branch soil pipes taken out of the main stack above the first floor may be of standard pipe. A four inch soil line may be intersected above the highest fixture by one other four inch soil line or by two two inch lines before passing through the roof. No trap shall be placed at the foot of a vertical line of soil pipe.

SEC. 9. *Main Wastes, Material and Arrangement.* All main waste pipes shall be of wrought or cast iron pipe or steel, conforming in quality to Section 3, except that when below ground they must be of extra heavy cast iron. All main wastes shall be run as nearly vertical as possible, in no case having a fall of less than one-fourth inch per foot, and they shall always be so placed as to be within three and one-half feet of any fixture which they may serve. No quarter bends, except long sweep bends or long drainage quarter bends, nor needless offsets will be permitted, and when the direction is necessarily changed, Ys, 1-8 bends or long sweep bends must be used. No T shall be used on either horizontal or vertical lines and T-Ys will be permitted in upright lines only. Each main waste line shall rest at its foot on a concrete or other masonry pier or foundation to prevent settling. No main waste pipe shall be run up outside of any building. All main waste pipes shall be carried undiminished in size to a height above and distance away from doors and windows of dwellings to conform to the requirements laid down for soil pipe

extensions. Main wastes shall be provided with a cleanout at their foot if there is a horizontal run of ten feet or more before they enter the house drain. A two inch line may be intersected by only one other two inch line, and above the highest fixture.

SEC. 10. *Branch Wastes, Material and Arrangement.* Branch waste pipes shall not exceed in length three and one-half feet and shall be of lead, galvanized iron, brass or nickel; when of brass or nickel they shall be of standard size and weight; when of lead they shall be exposed to view throughout their entire length. All branch wastes must have a fall of at least one-fourth inch per foot and must connect the fixtures which they serve to a soil pipe or main waste in as direct a manner as possible. No vertical branch waste will be allowed.

SEC. 11. *Traps, Material and Arrangement.* All traps shall be equal in quality to the branch wastes to which they are connected. Non-syphoning traps of a pattern approved by the Board of Health shall connect each branch waste with the fixture which it serves. Said trap shall have a water seal of at least two inches, which seal shall be as near the fixture as possible, and in no case shall it be over twenty inches from the fixture outlet. Bell traps, pot, bottle, "D" or "S" traps will not be permitted nor shall there be any ventilating or back airing of traps. All traps shall be 1-2 S traps, and may be directly connected with the main waste pipe without a branch waste. In no case shall an extra main waste pipe be run for the purpose of ventilating the trap when the fixture is within three and one-half feet of a main waste or soil pipe. No trap depending on an interior partition of metal for a seal shall be used.

SEC. 12. *Fixtures and Water Supply.* All fixtures shall be provided with proper traps and no fixture shall be set unless supplied with sufficient water to properly flush it; if for any reason the supply of water is discontinued, except for repairs or replacements, the fixtures shall be removed at once. All fixtures shall be of non-absorbent material. Privy sinks, pan and valve closets and all water closets having any mechanism in connection with the bowl forming a mechanical seal, and all closets the walls of which are not thoroughly washed at each flush, are hereby prohibited. Every water closet installed in a plumbing system shall be placed in an apartment separate from the remaining rooms of the house; the said apartment to be

used for no other than toilet purposes. Such apartment shall in all cases have external ventilation and shall be lighted by means of a window containing at least three square feet of window glass and opening directly to the outer air.

Every water closet must be supplied with water from a separate tank or reservoir of at least five gallons capacity, or by some other means approved by this Board, and shall have a flush pipe of not less than one and one-fourth inches in diameter. All water closets shall be provided with flushing rims and said flushing pipes shall connect with said rim so that said closets may be flushed in a proper and efficient manner. No water closet shall be supplied directly from the water supply pipe. All receptacles used as water closets shall be either of earthenware or of cast iron white enameled on the inside of the bowl and enameled or painted on the outside. No hopper closet shall be placed within any building used as a dwelling; when placed in yards they shall be in pits at least three and one-half feet deep and thoroughly protected against freezing. No vent pipe shall be attached to any porcelain vent horn provided upon closets, nor shall a vent pipe be run from the lead bend beneath the closet. No fixtures shall be enclosed.

SEC. 13. *General Regulations.* (a) Lead bends shall be used to connect all water closets having traps above the floor with the soil pipe or house drain. No branch waste, main waste, trap or vent pipe shall connect with the lead bend of a water closet.

(b) Whenever safes are placed under fixtures the safe wastes shall be run separately to the basement or cellar and empty over a water-supplied fixture, the end being closed by a brass flap valve, or other improved device. Urinal platforms shall not be provided with safe wastes.

(c) No waste pipe from a refrigerator or other receptacle where food is kept shall be connected with the house drain, soil or other waste pipe. Refrigerator wastes may be arranged so as to empty over a water-supplied sink, and in such cases the mouth of the pipe shall have a hinged brass flap valve.

(d) Whenever pipes pass through floors, the openings in both floors and ceilings shall be tightly closed.

(e) No steam exhaust, blow-off or drip pipe shall connect with a sewer, house drain, rain water conductor, soil, waste or vent pipe.

(f) Rain water leaders shall not be used as soil, waste, or vent pipes, nor shall they drain into the sewer. No house drain shall be used to drain any cellar.

(g) No drain from a carriage wash shall be connected with any sewer, house sewer, house drain or soil pipe.

(h) Wastes from slop sinks shall conform in all respects to the specifications laid down for soil pipes, with the exception that the internal diameter shall be three inches. The trap may be of lead.

(i) All hotels, railway stations, waiting rooms, or public buildings now existing or hereafter erected shall be provided with suitable toilet conveniences for both sexes. All urinals shall be of non-absorbent material and shall be placed in a room provided with a window containing at least 3 square feet of unobstructed glass, which window shall open directly to the outer air. Said urinals shall be connected with the plumbing system in a manner approved by this Board, and they shall be provided with an automatic flush or with individual stop-cocks.

(j) Whenever it appears to this Board that the plumbing system in any building is not in a proper sanitary condition, the owner shall change the same to conform with the plumbing regulations herein set forth within fifteen days of notification from this Board.

SEC. 14. *Filing of Plans.* No master nor foreman plumber nor building contractor nor other person shall do plumbing work in the Town of Montclair until plans and specifications are filed in the Office of the Board of Health for inspection and approval, and a permit issued, except in the following cases:

(a) Repairs of leaks or breaks or removal of stoppages.

(b) Replacement of all old fixtures except water closets and slop hoppers, which replacement does not require the replacement of traps or waste pipes serving the said old fixtures.

Plans and specifications herein provided shall consist of suitable drawings, specifications and descriptions of the plumbing work to be performed. The said drawings, specifications and descriptions shall be made upon blanks furnished for that purpose by the Board of Health and shall show clearly the location of every pipe and fixture and the ventilation of bath rooms and toilets.

SEC. 15. *Fees.* When plans and specifications for plumbing work

are filed with the Board of Health a fee of two dollars must be paid to defray the expenses of inspecting the drawings and specifications, filing the same and superintending the work as provided hereinafter in Section 16, except in the following cases:

(a) Where it is proposed to add to an old system of plumbing a single new sink, basin, laundry tray or set of trays, bath tub or urinal, and no change in main waste pipes is made.

(b) Where it is proposed to alter or replace water closets or any other plumbing in which the change in branch waste pipes only is made.

SEC. 16. *Tests.* Every new plumbing system and every old system altered or extended must be tested by the plumber in the presence of the Board of Health in accordance with the following rules:

(a) The Board of Health shall be notified by the plumber as soon as the work is ready for inspection. All work must be left uncovered and convenient for examination and no coating of paint, tar or other substance shall be applied to the pipes until said work has passed the water test described below.

(b) *Water Test.* The water test must be used in the presence of the Board of Health for testing all plumbing work known as "roughing," except in freezing weather, when some method to be designated by this Board shall be used. The said test shall include all house drain, soil and main waste pipes, and joints thereof, ferrule joints and all traps and branch wastes which are to be enclosed. The house drain must be extended outside the foundation walls before the test is made. All defective joints must be made tight, all defective pipes and fittings must be removed and the system must be arranged to conform in all respects to the specifications hereinbefore set forth within one week of the date of testing. This Board shall be notified as soon as such changes are made and a retest similar to the first shall be made immediately, after the payment of an additional fee of one dollar to defray the expense of the second test.

(c) *Final Test.* When the work is completed the Board of Health shall be notified and a final test shall be made by the plumber, in the presence of the Board of Health, within one week of the completion of such work. Said test shall be made with smoke or in any other manner which the Board may prescribe, and shall be made for every piece of plumbing work for which a fee is required, except

buildings not used for human habitation. If the work is found defective it shall be changed within one week to conform to the specifications hereinbefore set forth and a fee of two dollars must be paid to defray the expense of the second test, which shall be made by the plumber in the presence of the Board of Health and in the same manner as the first final test and within one week of the date of the first final test. No building shall be occupied as a dwelling until a final plumbing certificate is issued by the said Board, and the plumber or person authorized to do said work shall be held responsible for the proper condition of the plumbing work until it is finally approved. No certificate will be granted unless the work is done in a thoroughly workmanlike manner.

SEC. 17. All plumbing work in process of construction at the present time shall be tested in accordance with the requirements of this article, and all new work not already approved shall be tested as aforesaid within thirty days.

SEC. 18. *Penalty.* Any person who fails to comply with or who violates or who offends against any provision of this article or any section thereof, shall, upon conviction thereof, forfeit and pay a penalty of ten dollars, and each day during which a violation of this ordinance is allowed to exist shall constitute a separate and distinct offense.

ARTICLE XVII.

GAS PIPING.

SECTION 1. Any master or foreman plumber or gas fitter or other person proposing to install pipes for conducting illuminating gas in any building in the Town of Montclair shall, before installing said pipes, file with the Board of Health plans and specifications for the same with suitable and necessary drawings of the work to be performed. Said specifications and descriptions shall be made on blanks furnished for that purpose by the Board of Health and shall show clearly the number of outlets to be provided and the size of pipe to be used to supply each outlet.

SEC. 2. All pipe used in buildings as above specified shall be of the best quality of wrought iron.

SEC. 3. All fittings used for making connections between pipes shall be of galvanized, malleable iron.

SEC. 4. The piping of houses must be arranged according to the following rules:

Size of piping. Inches.	Greatest length allowed. Feet.	Maximum number of burners.
3-8	26	3
1-2	36	6
3-4	60	20
1	80	35
1 1-4	110	60
1 1-2	150	100
2	200	200
2 1-2	300	300
3	450	450

No pipe less than three-eighths inch in diameter shall be used, and all risers shall be at least three-fourths inch in diameter. The bending of pipes will not be permitted, but changes in direction must be made by means of fittings. No pipe shall be laid so as to support any weight, or so that it is liable to have weight thrust upon it by the deflection of beams.

SEC. 5. All lines of piping throughout any building, except drops, must be laid with a descent back to the risers, with no depression to hold condensation. Drops with drip pipes, where needed, must be provided at meters and at such other points as the plan of piping may render necessary. No pipes shall be laid under tile or parquet floors, marble or other stone or metal platforms, or under hearthstones, unless the local conditions render such procedure imperative, in which case galvanized pipes shall be used.

SEC. 6. When the gas pipes in any building are in position, the Board of Health shall be notified and an air test, under a pressure of at least four pounds to the square inch, as indicated by a mercury gauge, shall be made by the plumber or gas fitter in the presence of said Board before said pipes are enclosed or concealed in any way. All joints, pipes and fittings must be made tight, and no application of gas fitter's cement or similar material shall be applied to any part of the piping system.

When the system of piping is entirely completed, and after it is enclosed within walls and before the supply is turned on from the

gas main in the street, another test similar to the one already described shall be applied by the plumber or gas fitter in the presence of said Board.

In case either of the above-mentioned tests reveals that the work is defective, or not in accordance with the requirements of this article, the system shall be made to conform to said requirements within three days of the date of testing, and a fee of one dollar must be paid to defray the expense of each and every retest before such retest will be made. The said retest shall be made in the same manner as the first and second tests.

SEC. 7. No meter shall be set by any gas company or by any person until said person or corporation shall have obtained a certificate from the Board of Health stating that the gas pipes have been installed in accordance with the specifications hereinbefore set forth.

SEC. 8. Any person who fails to comply with, or who violates or who offends against any provision of this article, or any section thereof, shall, upon conviction thereof, forfeit and pay a penalty of ten dollars, and each day during which a violation of this article is allowed to exist shall constitute a separate and distinct offense.

ARTICLE XVIII.

RIGHT OF ENTRY.

SECTION 1. This Board shall have the right to enter in or upon any premises at any reasonable hour of the day to determine whether nuisances exist therein or thereon, or to determine whether the provisions of this ordinance are being followed or obeyed. Any person opposing such entry shall, upon conviction thereof, forfeit and pay a penalty of fifty dollars for each offense.

ARTICLE XIX.

REPEALER.

SECTION 1. All ordinances and parts of ordinances heretofore adopted by this Board are hereby repealed, except those for the prosecution and punishment of persons who may have violated any of the provisions thereof.

Passed April 9, 1907.

M. N. BAKER, Pres.

Attest—John N. Holton, Sec'y.

BUILDING CODE.

An Ordinance to Regulate and Control the Inspection, Construction, Alteration and Repair of Buildigs, in the Town of Montclair.

Be it ordained by the Town Council of the Town of Montclair, in the County of Essex, as follows:

ARTICLE I.

BUILDING COMMITTEE.

There shall be a committee appointed to be known as the Building Committee, to consist of not less than three members of the Council to be appointed annually by the Mayor, with such duties as the Council may by resolution direct.

ARTICLE II.

INSPECTOR OF BUILDINGS.

SECTION 1. There shall be an officer of said Town to be known as "Inspector of Buildings," who shall be appointed from time to time by the Town Council. He shall hold office during the pleasure of said Council, and shall receive such salary as the said Council shall designate. He shall be a practical architect, building contractor or mechanic of at least ten years good standing and he shall perform all the duties required of him by the ordinances and resolutions of the Council and shall see to the strict enforcement of the ordinances of the said Town relating to the inspection, construction, repair and alteration of any building or part of a building within the said Town.

DUTIES OF INSPECTOR

PERMITS.

SEC. 2. The Inspector of Buildings shall without unnecessary delay issue permits for the erection, alteration and repair of buildings in all cases where the plans and specifications comply with the provisions of this ordinance, and make a careful inspection of all buildings in the course of erection, of any and all buildings undergoing alterations, and of all buildings and structures, and their several parts, which have become unsafe, and compel proper precautions to be taken for the protection of life and property as herein provided, or as provided by any ordinance or resolution of the Town Council.

APPLICATION FOR PERMITS.

SEC. 3. [*As am'd April 22, 1907.*] Before any person or persons shall erect, raise, alter or repair any building or buildings, the person or persons intending or desiring so to do shall first apply for and obtain from the Inspector of Buildings a permit, signed by said Inspector and countersigned by the Chairman of the Building Committee, and shall pay for such permit at the rate of one dollar per \$1,000 of the estimated cost of the building or alteration; provided, however, that ordinary repairs may be made without such application to the inspector. Ordinary repairs are not to be construed or held to include the cutting in of any door or window, or closing up of the same, the putting up of any partitions, the alteration or the cutting away of any constructional supports or the removal or closing of any staircase or exit. Provided further, that in case of additions, alterations or repairs estimated to cost one hundred dollars or less, no fee shall be required.

SEC. 4. Plans and specifications for plumbing work shall be filed separately with the Board of Health, and shall in all cases be approved by the proper officer of said Board, as being in accordance with the ordinance of such Board, and all the fees for the same shall be paid to such Board of Health officer, before the Inspector of Buildings shall issue any permit.

This section shall apply to any general alteration of plumbing work within any building within this town, as well as to plumbing work in newly constructed buildings.

The foregoing provisions and all the provisions of this ordinance shall apply with equal force to all buildings, both municipal and private.

SEC. 5. [*As am'd April 22, 1907.*] Every application for a permit for the erection of any building or part thereof, or the alteration, repairing or raising of any building or structure, or part thereof, shall be in writing, signed by the owner proposing to make the alteration or repair or to erect or raise the building or structure, or his agent, which shall state where the building or structure is proposed to be erected, giving a description of the lot by map, block and lot number, and the description thereof proposed to be made; the same shall be accompanied by plans and specifications, a duplicate copy of plans of the proposed work, drawn to a scale in ink, blue print or tracing, together with a detailed statement upon blanks furnished by the Building Department, giving a full description of said building or structure, or part thereof, its proposed use and the estimated cost of all the work, and said copy of the plan and statement shall be kept on file in the department for reference.

The erection, construction, alteration or repair of said building or structure, or part thereof, shall not be commenced nor proceeded with until such statement, specifications and plans shall have been filed and a permit issued by the said Inspector of Buildings, subject, however, to the provisions in Section 3 of Article 1, regarding ordinary repairs.

REPAIRS WITHOUT PERMIT.

SEC. 6. Ordinary repairs may be made without notice to the Inspector, but such repairs shall not be construed to include the cutting away of any constructional supports, or the removal or closing of any staircase or exit.

REMOVALS.

SEC. 7. Permits for removal shall specify the time within which the removal shall be made.

As herein used the term "removal" means to change the location of building or structure, without taking down, and "demolition" shall mean removal by taking down.

DEMOLISHING BUILDINGS.

SEC. 8. All temporary structures of wood shall be demolished by the owners upon the completion of purpose specified.

SEC. 9. When plans and detailed statements are filed with the Inspector of Buildings for the erection of a new building, if an existing building or part of an existing building is to be demolished, such fact shall be stated in the statement so filed.

In demolishing any building, story after story shall be completely removed. No materials shall be placed upon the floor of any such building in the course of demolition, but the brick, timber and other structural parts of each story shall be lowered to the ground immediately upon displacement. The owner, architect, builder, or contractor for any building, structure, premises, wall, platform, staging, or flooring to be demolished, shall give not less than twenty-four hours' notice to the Inspector of Buildings of such intended demolition.

SEC. 10. Every wooden or frame building with a brick front or otherwise, within the fire limits of said town, which may hereafter be damaged by fire to an amount not greater than one-half the value of the structure, exclusive of the foundation, before such fire, may be repaired or rebuilt pursuant to the provisions of this ordinance, but if such damage shall amount to more than one-half such value, exclusive of the foundation, then such building shall not be repaired or rebuilt, but shall be taken down and removed.

SEC. 11. In case of dispute as to the amount or extent of such damage by fire mentioned in the foregoing section of this ordinance, shall be determined by two disinterested persons each of whom shall be a practical architect, mason or carpenter, residing in the town, one of whom shall be appointed by the owner or owners of said building and the other by the Inspector of Buildings, and in case such two disagree, they shall elect a third disinterested person, who shall also be a practical architect, mason or carpenter, and the decision in writing of any two of them shall be final and conclusive in the premises; and such building shall not be repaired or rebuilt until after the decision of the persons aforesaid shall be made in writing, finding that such damage does not exceed one-half of the value of such buildings exclusive of foundation; and such arbitrators or persons aforesaid shall receive five dollars for such service, which fee shall be paid by the

owner or owners of such building, upon the filing and before the opening of their report.

SEC. 12. That it shall be the duty of the Inspector of Buildings upon any complaint in writing being filed with him, that any building is unsafe or dangerous, to make an immediate examination of the same. The Inspector of Buildings is hereby authorized, if it is necessary to do so, to enter into any building at any time, for the purpose of making such examination, and if in his opinion any such building is in danger of falling, in whole or in part, from any cause whatever, he shall at once cause a written or printed notice to be served upon the owner thereof, requiring such owner to take down or repair the same in such manner and within such reasonable time, as he may deem proper. In case the owner of any such building so complained of cannot be found by reason of absence or removal from the town, or for any other cause, or if such owner be resident without the town, the said Inspector of Buildings shall cause such notice to be mailed in the post office of the town in a wrapper with postage prepaid, addressed to such owner at his or her last known post-office address, and such mailing shall be deemed and taken to be sufficient service of such notice, and in case of neglect or refusal to comply with said notice, shall report the same to the Building Committee, the said committee shall promptly examine said building and shall notify the owner or agent of any such building to appear before them and may, if they deem it necessary, request some architect, engineer, or builder, to examine such building and report to them at such time and place as they may deem proper; if after such examination a majority of such committee concur with the Inspector of Buildings that the building complained of is in an unsafe and dangerous condition, either in whole or in part, they shall report immediately to the Council, and deliver all papers, statements, or proofs submitted to them, and the Council shall thereupon, as soon as possible, consider such matter, and shall determine by a vote of a majority of the whole number of the members what disposition shall be made thereof,

SEC. 13. In case any building shall be adjudged unsafe and dangerous by the Council, the Inspector of Buildings shall immediately serve a written or printed notice upon the owner thereof, commanding him to make such building safe and secure, or to remove the same, as may be determined by the Council; which notice shall further require the person thus served to immediately certify to the Inspector of Build-

ings his assent or refusal to comply with said notice; if the person so served shall assent to the securing or removal of said unsafe building, he shall be allowed twenty-four hours, next following the service of said notice, in which to commence the securing or removal of the same, and he shall employ sufficient labor and assistance to complete said work as expeditiously as possible; but on his refusal or neglect to comply with any of the requirements of said notice, the Inspector of Buildings shall forthwith proceed to repair and secure, or take down and remove, as shall have been determined, as aforesaid, said unsafe building or part thereof, and in so doing he may employ such labor and assistance, and furnish such materials and appliances, as may be necessary for that purpose.

SEC. 14. The Inspector of Buildings shall report, under oath, to the Council, a detailed statement of the costs and expenses so incurred by him, shall be paid by the owner, and in case of the refusal of the owner to pay the same on demand, the Council may thereupon authorize said cost and expenses to be paid by the Town and may direct the Town Attorney to collect said amount from the owner or agent of said building by suit in a court of competent jurisdiction.

SEC. 15. It shall be the duty of the Inspector of Buildings to notify the tenants in buildings declared unsafe, to vacate said premises forthwith. If such tenants refuse or neglect to vacate said premises pursuant to said notice, such refusal or neglect shall constitute a violation of this section and each day of such refusal shall be deemed a separate and distinct violation, the Inspector of Buildings shall make complaints to the Chief of Police, or acting Chief of Police, who shall immediately have such tenants removed.

ENFORCEMENT OF ORDINANCE.

SEC. 16. It shall be the duty of the said Inspector of Buildings to enforce the provisions of all ordinances which relate to the prevention of fires, resulting from badly constructed buildings. He shall frequently inspect dwelling houses between the hours of 10 A. M. and 5 P. M., and factories, storehouses, and other buildings in the Town between the hours of 7 A. M. and 6 P. M., for the purpose of ascertaining all violations of building rules and ordinances designed for the effectual prevention of fires. It shall be lawful for him, the said Inspector, whenever he shall have good and sufficient reason to

believe that any of such ordinances are being violated, to enter into or upon any lands or buildings for the examination of hoistways, trap doors, fire-places, hearths, chimneys, stoves and pipes thereto, receptacles for ashes, ovens, boilers, heaters and chemical apparatus, which may be dangerous as tending to cause or promote fires. It shall be lawful for him, in the day time, to enter into or upon any lands or buildings and examine any part thereof, for the purpose of ascertaining whether there may be anything dangerous in the construction and likely to cause or result in the originating or spreading of fires; and it shall be his duty to notify the owner or occupant of any defective building, by written or printed notice, of such defect and to report the matter to the Council for its action.

STORAGE OF COMBUSTIBLE MATERIAL.

SEC. 17. The Inspector of Buildings shall also examine at reasonable hours in the day time, and it shall be lawful for him for that purpose to enter into and upon all buildings and places where any gunpowder, saltpetre, hemp, flax, tow, hay, rushes, firewood boards, shingles, shavings or other combustible materials may be lodged, and whenever he shall discover any violation of this ordinance, he shall notify in writing the owner or occupants of the building wherein such unlawful or unsafe conditions exist, to immediately cause the same to be corrected, and it shall be the duty of the person so notified to comply with such notice, and in case of the neglect or refusal of the owner or occupant of such building, or the possessor of such combustible materials, to correct said unlawful or unsafe conditions, and to alter, remove or secure the same within such reasonable time as shall be stated in said notice, such owner or occupant shall be guilty of a violation of this ordinance.

SEC. 18. Any owner, contractor, occupant or other person being on any premises in this Town, who shall refuse to permit the Inspector of Buildings on exhibition of his badge of authority to have access to his premises within the hours and for the purposes designated in this ordinance, or who shall refuse to comply with the reasonable and proper orders of the Inspector of Buildings with relation to any matter committed to him by this ordinance, shall be deemed guilty of a violation of this ordinance.

RECORDS.

SEC. 19. The Inspector of Buildings shall keep a record of his actual proceedings as such; and he shall also keep a permit book and a complaint book, which shall both be open at all times for inspection by town officers. He shall also, at the first regular meeting of the Town Council in each month, make a report of all permits issued by him for the erection and alteration of buildings during the previous month together with the estimated cost of such work and the fees received for the same, which fee shall be paid over by him to the Town Treasurer.

SEC. 20. [*Added by Ordinance April 22, 1907.*] In case the applicant for a permit shall have given, in the opinion of an inspector, an incorrect estimate of the cost of the work, it shall be the duty of the inspector to make an estimate of the cost of such work, and place such estimated total on his statement and permit, and charge fees or additional fees accordingly, and the builder or owner shall be and hereby is required to pay on demand such additional fees so fixed; provided, however, that if said inspector's estimate proves excessive the fees on such excess shall be refunded.

No lathing, plumbing, heating nor electrical work shall be started in any building until the building so far as it has progressed shall be passed by the inspector and approved in writing.

If work in, upon or about any building or structure, or part thereof, shall be conducted in violation of any of the provisions of this ordinance, it shall be the duty of the Inspector of Buildings to revoke the permit for the building or other work in connection with which such violation shall have taken place. It shall be unlawful pending the reinstatement of such permit to proceed with such work, and the builder or owner and any other person proceeding with such work shall be guilty of a violation of this ordinance. Before a permit so revoked may be lawfully reinstated, the entire building or structure shall be first put into condition complying with the requirements of this ordinance.

ARTICLE III.

CHAPTER I.

DEFINITION OF TERMS.

In this ordinance the following terms shall have the meanings respectively assigned to them:

Public Buildings.

(a) "Public Buildings" mean every building used as a church, or other place of public worship; also every building used as a college, school, public hall, hospital, theatre, public concert room, public ball room, public lecture room, or for any public assemblage.

Buildings of the Warehouse Class.

(b) "Buildings of the Warehouse Class" shall comprise buildings used for storage, manufactories in which machinery is operated, breweries and distilleries.

Buildings of the Dwelling House Class.

(c) "Buildings of the Dwelling House Class" shall comprise all buildings except public buildings and buildings of the warehouse class.

Inspector.

(d) "Inspector" means the Inspector of Buildings appointed under the provision of this ordinance.

External Wall.

(e) "External Wall" means every outer wall or vertical inclosure of any building not being a party wall.

Party Wall.

(f) "Party Wall" means a wall that separates two or more buildings and used, or to be used, jointly by or for said separate building.

Division Wall.

(g) "Division Wall" means a wall that separates one part of any building from another part of the same building.

Base of a Brick Wall.

(h) "Base of a Brick Wall" means the course immediately above the foundation wall.

Footing Course.

(i) "Footing Course" means a projecting course, or courses, under the base of a foundation wall.

CHAPTER II.

MATERIALS.

Lime Mortar.

SEC. 1. Lime mortar shall be made of one part of lime and not more than four parts of sand; all lime used for mortar shall be of good quality, properly slaked and thoroughly burned before it is mixed with sand.

Cement Mortar.

SEC. 2. Cement mortar shall be made of cement and sand in the proportion of one part of cement and not more than three parts of sand, and shall be used immediately after being mixed. The cement and sand are to be measured and thoroughly mixed before adding water. Cements must be very finely ground and free from lumps.

Cement and Lime Mortar.

SEC. 3. Cement and lime mortar, mixed, shall be made of one part of lime, one part of cement and not more than three parts of sand to each.

Concrete for Foundation.

SEC. 4. Concrete for foundations shall be made of at least one part of Portland cement, two parts of sand and five parts of clean, broken stone, of such size as to pass in any way through a two (2) inch ring, or good clean gravel may be used in the same proportion as broken stone.

The cement used and stone or gravel shall be measured and mixed as is prescribed for mortar. All concrete when in place shall be properly rammed and allowed to set without being disturbed.

The sand used for mortar in all buildings shall be clean, sharp grit sand, free from loam or dirt, and shall not be finer than the standard samples kept in the office of the Inspector of Buildings.

CHAPTER III.

REGULATIONS FOR CONSTRUCTION.

The External and Party Wall.

SEC. 1. The external and party wall shall be made throughout the different stories, of the thickness shown by the following sections, arranged according to the height and length of the walls up to one hundred feet in height.

Every wall constructed of brick, stone or other incombustible substance, shall be solidly put together with lime and cement mortar, or cement and sand mortar, and properly bonded; proportioned as follows: Below grade, two parts of good sharp sand and one part of good cement; above grade, two barrels of good sharp sand, one barrel of putty lime and one hundred pounds of cement.

SEC. 2. External and party walls above the ground floor, shall be securely anchored, at least every eight feet, to each tier of beams with wrought-iron hook-end anchors, provided with proper T or other iron heads. Where beams are supported by girders, the anchorage must be made continuous "dog anchors" of proper proportions, or other approved system.

Anchors parallel with joints or beams to be not less than two feet long; anchors at right angles to joist not less than five feet long.

Thickness of Walls.

SEC. 3. (a) The thickness of every wall, as herein determined, shall be the minimum thickness.

Height of Stories.

(b) The height of every topmost story shall be measured from the level of its floor, up to the underside of the tie of the roof, or up to the vertical height of the rafters when the roof has no tie, and the height of every story shall be the clear height of such story, exclusive of the thickness of the floor.

Height of Walls.

(c) The height of every external and party wall shall be measured from the base of the wall to the level of the top of the topmost story.

Division of Walls.

(d) Walls are deemed to be divided into distinct lengths by return walls, and the length of every wall is measured from the center of one return wall to the center of another, providing that such return walls are external or party walls, of the thickness herein required, and bonded into the walls so deemed to be divided.

Construction of Buildings.

(e) In the construction of buildings hereafter erected of brick, stone or other incombustible substance within the said Town of Montclair.

Thickness of Division Walls.

Division walls shall not be less than two-thirds the thickness of the party or external walls of the same heights and lengths, but never less than eight inches thick, except when used as partition walls and not as bearing walls, and not more than twelve feet high.

Return Wall.

(f) No wall subdividing any buildings shall be deemed a return wall, as before mentioned in this ordinance, unless it is two-thirds the height of the external or party walls.

Recesses, or Openings.

(g) If the recesses, or openings in party, external or division walls, the same being bearing walls, exceed one-third the entire area of the wall in the story in which they are made, the thickness of said walls shall be four inches greater than set forth in the table.

Recesses and Chases.

(b) Recesses and Chases may be made in the walls, provided that in party and external walls backs or recesses and chases not less than eight inches thick, and in division walls not less than four inches thick. Chases shall be so spaced as not to unduly weaken the wall.

External or Party Wall.

(i) If the center of any external or party wall is more than twenty-five feet distant from the center of any other external, or party wall, to which it is tied by the beams of any other floor or floors other than the ground floor, or the floors of any story formed in the roof, the length of such wall is not to be taken into consideration and the thickness of the wall will be found in the following sections.

(j) If any story exceeds in height sixteen times the thickness prescribed for the walls of such building in the following section, the thickness of each external and party wall throughout such story shall be increased to one-sixteenth part of the height of the story; but any such additional thickness may be confined to piers properly distributed, of which the collective widths shall amount to one-fourth part of the length of the walls.

Twelve Inch Wall.

(k) No story, enclosed with wall less than twelve inches in thickness, shall be more than eleven feet in height.

SEC. 4. In all walls that are built hollow, the same quantity of stone or brick shall be used in their construction, as if they were built solid, as in this ordinance provided, and no hollow wall shall be built unless the parts of same are connected by proper ties, either of brick, stone, iron or concrete placed not over twenty-four inches apart. The inside four inches of all walls may be built of hard burnt, hollow clay or porous terra cotta blocks, properly tied and bonded into the walls, and of the dimensions of ordinary bricks.

SEC. 5. All bricks shall be good hard well-burned bricks and shall be well wet before being laid between the 16th day of March and the first day of November.

When old bricks are used they shall be thoroughly cleaned before being used and they shall be whole, good, hard, well-burned bricks.

EXCAVATIONS AND FOUNDATIONS.

Guarding of Excavation.

SEC. 6. All excavations shall be properly guarded and protected, so as to prevent the same from becoming dangerous to life or limb

and shall be sheet-piled when necessary to prevent the adjoining earth from caving in, by the person or persons causing excavations to be made. They shall also comply with state laws covering excavations.

Owners of Adjoining Property.

Owners of adjoining property, on receiving notice from parties interested in such excavations, shall also comply with the State laws.

Foundation Walls.

SEC. 7. Proper foundation walls or piers, and their footings of masonry or other suitable material, shall be provided for the support of buildings. All foundation walls shall be at least four inches thicker than the base of the wall of the first story next above them, if built of brick, and eight inches thicker if built of stone. The bottom of foundation of footings of external walls or piers shall be at least four feet below the ground surface and not exposed to frost.

Piles.

SEC. 8. Piles intended for a wall pier or post to rest upon, shall not be less than five inches in diameter at the smallest end, and shall be spaced not more than thirty inches on centers, and they shall be driven to a solid bearing.

Loading of Piles.

No pile shall be weighted with a load exceeding forty thousand pounds.

The top of all piles shall be cut off below the lowest water line; when required, concrete shall be rammed down in the inter-spaces between the heads of the piles to a depth and thickness of not less than twelve inches and for one foot in width outside of the piles.

Ranging and Capping Timbers.

When ranging and capping timbers are laid on piles for foundations, they shall be not less than six inches thick and properly joined together, and their tops laid below the water line.

Crib Footings.

When Crib Footings of iron or steel are used below the water level, the same shall be entirely coated with coal tar, paraffine, varnish, or other suitable preparations, before being placed in position. When footings of iron or steel for columns are placed below the water level, they shall be similarly coated for preservation against rust.

Base Course.

SEC. 9. The footing or base course shall be of stone or concrete, or both, or stepped-up brick work, of sufficient thickness and area to safely bear the weight to be imposed thereon. If the footing or base course be of concrete, the concrete shall not be less than eight inches thick, and not less than twelve inches wider than the bottom width of wall resting upon it.

Thickness of Stone for Base Course.

If of stone, the footing, or base course, shall not be less than eight inches in thickness for walls, and at least twelve inches wider than the bottom width of said walls, and not less than ten inches in thickness if under piers, columns or post, and at least six inches wider on all sides than the bottom width of such piers, or columns. All base stones shall be well-bedded and laid crosswise, edge to edge.

Stepping-up Footing of Brick.

If stepped-up footing of brick are used in place of stone, above the concrete, the steps, or offsets, if laid in single courses, shall not exceed one and one-half inches, or if laid in double courses, then each shall not exceed three inches starting with the brickwork, covering the entire width of the concrete, so as to properly distribute the load to be imposed thereon.

Iron Anchors.

SEC. 10. In all buildings over three stories high, walls faced with stone shall have backing of the thickness specified for walls where no facing is used, unless the stone facing is laid in alternate courses of different thicknesses, so as to bond on the backing at least every two feet in height, when the backing may be four inches in thickness.

Walls not carried up together must be anchored every three feet in their height by good and sufficient wrought iron anchors, thirty-six inches long, ends to be turned up two and a half inches, cut stone work must be properly clamped and anchored to backing; pressed brickwork to be properly bonded to backing.

SEC. 11. Foundation wall of frame buildings shall be twelve inches thick if built of brick or of concrete made of Portland cement and sixteen inches if built of stone; if the bearing wall and girders do not exceed sixteen feet in span, the three feet of upper section of wall shall be at least eight inches thick; all foundation walls shall be built upon a footing course of concrete six inches deep below the cellar bottom and not less than sixteen inches wide. Trench walls shall be of concrete twelve inches wide and three feet deep if topped with brick to a height not exceeding two feet six inches, the wall may be eight inches thick; if built higher it shall be not less than twelve inches thick. No pier or dwarf partition wall shall be built less than twelve inches thick if above two feet in height and not less than eight inches thick in any case.

SEC. 12 [*As am'd April 22, 1907.*] Every pier built of brick, containing less than nine superficial feet at the base supporting a beam, arch or column supporting a wall, shall at intervals of not over thirty inches apart in height, have built into it a bond stone and cap stone not less than four inches thick, or a cast iron plate of sufficient strength and the full size of the pier.

Piers.

All piers shall be built of stone, or good, hard burnt brick laid in cement mortar.

For piers fronting on a street, the bond stones may conform with the kind of stone used for the trimmings of the front.

Isolated brick piers shall not exceed in height eight times their least dimensions.

The Walls Below the Curb Level.

SEC. 13. The walls of buildings below the curb level, or the first tier of floor beams nearest thereto, shall be laid in Portland cement and sand mortar.

All other walls built of brick or stone may be laid in lime, cement and sand mortar.

Inside Piers.

All inside piers shall be built on a concrete footing six inches deep and sixteen inches wide; all outside piers shall have concrete footing twelve inches wide and three feet deep.

Iron Posts.

Iron posts not less than four inches in diameter, may be used to support girders in cellars in place of brick piers if set on stone footings twelve inches square and set two inches above the finished cellar bottom.

CHIMNEYS, FLUES AND HEATING APPARATUS.

SEC. 14. (a) No chimney or smoke flue shall be built where chimneys are furred off, unless the furring shall be at least two inches, by four inches in size, and shall not be fastened to the chimney, through wooden wedges in the joints of the brick work.

Fire Places.

(b) In the construction of fire places, no jamb or back shall be less than eight inches thick, and a brick, stone or iron support shall be provided over the opening to support the breast.

Hearths.

(c) Hearths or open fire places shall be of stone or incombustible substance, and shall rest on brick, trimmer arches or other fire-proof material, which arches or other material shall not be less than eighteen inches wide in front of the breast.

Chimney Tops.

(d) Chimney tops shall be at least four feet above any flat roof, or the ridge of any pitched roof through which it is built, or if built through any other part of a pitched roof shall not be finished lower than the ridge of said roof, and any chimney carried to a height

above the roof more than six times its thickness shall be properly anchored or otherwise made secure.

Chimneys Corbelled Out.

(e) Chimneys forming part of a wall shall not be corbelled out beyond the face of the wall, more than one-half of the thickness of the wall.

Chimney Foundation.

Every chimney not forming part of a wall shall rest upon the ground or other sufficient fire-proof foundation.

Flues.

(f) Flues larger than two hundred and fifty square inches and less than five hundred square inches, shall be surrounded with walls not less than eight inches thick, and the walls of such flues, above the inlet funnel, shall be twelve inches thick for the first fifteen feet around and about such inlet, tops of such chimneys to be at least eight feet above the roof, or five feet above the highest part of the roof within fifty feet of such chimney; flues with more than five hundred and less than eight hundred inches area, shall have not less than sixteen-inch walls opposite the inlet, and ten feet above the same, and not less than twelve-inch walls for the next thirty-six feet; top of chimney ten feet above the roof, or seven feet above the highest part of the roof, within fifty feet of such chimney.

Timbers Around Smoke Flue.

SEC. 15. In no building shall any timber work be placed within eight inches of any smoke flue, or within four inches of the face of the wall enclosing a flue. Timber in party walls shall be separated from each other by solid masonry not less than four inches thick.

Ranges and Stoves.

SEC. 16. Where a kitchen range is placed within twelve inches of a wood stud partition, the said partition shall be shielded with metal

from the floor to the height of not less than three feet above the range.

In all buildings hereafter erected all smoke flues shall be lined on the inside with flue lining made smooth on the inside, carried from the bottom of the flue or from the throat of the fireplace if the flue starts from the latter, and carried up continuously to the full height of the flue. The ends of all such linings shall be made to fit close together and the linings shall be built in as the flue or flues are carried up. Each smoke flue shall be enclosed on all sides with not less than four inches of brickwork and shall have an area of not less than thirty-six square inches, and all flues which, for any reason, are liable to be heated to high temperatures or to become dangerous in any way, shall be surrounded on all exposed sides by not less than eight inches of brick.

Foundation for Furnaces, Etc.

SEC. 7. (a) Stationary boilers, heating furnaces of all kinds used for heating or manufacturing purposes, shall be placed on fire-proof foundations or hearths, and the floor space around the same shall be covered with incombustible and non-conducting substances.

Combustible Materials Near Furnaces, Etc.

(b) No unprotected structural woodwork or other combustible material shall be located within four feet of any part of a stationary boiler or within twenty inches of any stove, oven or heating furnace before mentioned.

Heating Pipes.

(c) No pipes conveying heating air shall be placed nearer than two inches to any unprotected combustible material, and no pipe conveying steam or hot water shall be placed nearer than one-half inch to any unprotected combustible materials.

Hot Air Conductors.

(d) Hot air conductors built in between timbers or other combustible materials within ten inches shall be made double with at least half an inch space between the two parts.

Registers.

(c) Hot air registers shall be set in incombustible burners and openings in floors for registers shall be lined with metal.

(f) [*Added April 22, 1907.*] The sides of studs and all other contiguous beams or woodwork near hot-air flues or pipes to be lined with metal. Metal shields for fire stops to hot-air pipes.

The outer faces of all hot-air flues to be covered with metal lathing.

No steam or hot water heating pipes shall be placed within two inches of any timber or woodwork, unless the timber or woodwork is protected by a metal shield, then the distance shall not be less than one inch, and to have metal tubes passing entirely through floor and ceiling or partition to be one inch larger than the steam or hot water heating pipes.

Every foundation for dwelling hereafter erected on any lot which is damp, or which is affected by draining of surface water from other properties, shall have all the walls below ground level cemented at least one-half inch thick and given a coat of asphalt.

In any now existing buildings no room in the basement or cellar shall be altered for living purposes, unless any such room shall have sufficient light, shall be well drained and dry. The ceiling of such room shall be not less than seven feet high between finished floor and plastered ceiling, and to be three feet six inches above the finished ground outside and all as per Building Code.

(g) [*Added April 22, 1907.*] When cement building blocks are to be used for outside walls of buildings they shall be constructed of a standard Portland cement, one part; sharp grit sand, one and one-half parts; crushed stone slag or gravel, two and one-half parts; the crushed stone slag or gravel to pass through a three-quarter inch screen. Blocks shall not be longer than thirty-six inches in length, and no higher than ten inches in height, and in width not less than eight inches nor more than sixteen inches; blocks may have hollow spaces, provided that not more than one-third of each block is hollow. If the blocks have recessed ends, all the butt joints shall be filled solid with cement and sand mortar; if blocks have square ends, without recess, they shall be set one-quarter of an inch apart and the joints filled with cement grout. All concrete blocks on the corners and angles to be cast solid. No mitering allowed. Blocks shall be at least thirty days old after casting before being used in any building

wall and stand a tensile test of one hundred and twenty pounds to the square inch and twelve hundred pounds compression test.

CHAPTER IV.

FIRE ESCAPES.

Placing of Fire Escapes. Notice to Place Fire Escapes.

SECTION 1. [*As am'd April 22, 1907.*] Every factory, mill, manufactory or workshop, hospital, asylum, or institution for the care or treatment of sick persons, and every building in whole or in part, occupied or used as a school or a place of instruction or assembly, two or more stories in height, and every tenement house over two stories in height, shall be provided with good and sufficient fire escapes, stairways or other special means of egress in case of fire. The owner or owners of any building upon which a fire escape is or shall be erected shall keep the same in good repair at all times, and if said fire escape shall be constructed of iron, he shall keep the same well and sufficiently painted.

SEC. 2. Whenever the Council shall have determined that fire escapes ought to be placed upon any building or other special means of egress in case of fire shall be provided for any building, they shall cause notice in writing to be served upon the owner, lessee or occupant of such building, directing him or them to cause suitable fire escapes or other special means of egress from such building in case of fire to be placed upon such building within thirty days from the service of such notice, which notice may be served by leaving a copy thereof with such owner or lessee or occupant, or at his or their residence, or if the owner or owners shall be non-residents of the town the notice may be served upon him, her or them by mailing the same in a sealed envelope or letter in the United States mail with the postage prepaid, and causing the letter or envelope in which said notice is to be inclosed to be registered at the post-office where the same shall be mailed, and the receipt for said sealed envelope or letter when returned by the post-office authorities or employees shall be prima facie evidence of the delivery thereof to said owner or owners.

SEC. 3. No person shall at any time place any incumbrance of any kind whatsoever upon any fire escape, balcony or ladder provided for the purpose of egress in case of fire from any building.

Incumbrances on Fire Escapes.

SEC. 4. It shall be the duty of every fireman and policeman who shall discover any incumbrance or obstruction of any kind upon any fire escape, balcony, or ladder, as aforesaid, to forthwith report the same to the Chief of the Fire Department or the Chief of Police, and such chief shall forthwith cause the occupant or occupants of the premises or apartments to which said fire escape, balcony or ladder is attached, or for whose use the same is provided, to be notified in writing to remove the incumbrances or obstruction therefrom and to keep the said fire escape, balcony or ladder free therefrom; then it shall be the duty of the said chief to report the same forthwith to the Inspector of Buildings.

The Inspector of Buildings shall require that there shall be fastened upon all balconies provided as a means of escape from fire, in a conspicuous place, a metal plate having thereon a notice to the following effect: "Any person placing any goods, chattels or other incumbrance upon this balcony is liable to a penalty of not exceeding \$20 and upon nonpayment thereof imprisonment for ten days or until such penalty shall be paid."

SEC. 5. All buildings requiring fire escapes shall have stationary iron ladders leading to a scuttle opening in the roof and all scuttles and ladders shall be kept free so as to be ready for use at all times. If a bulkhead is used in place of a scuttle it shall have stairs and a sufficient guard or hand rail leading to the roof.

Inspect and Examine. Inspection.

SEC. 6. The Inspector of Buildings shall from time to time and at least once in each six months carefully inspect and examine all buildings within the town of the kind and character hereinbefore mentioned for the purpose of ascertaining whether the provisions of this chapter are being properly and faithfully complied with; he shall keep a record in which there shall be entered the day when each such building shall be inspected and examined and a memorandum shall be made therein by him showing the results of such inspection and examination; such book shall be a public record of the town and open at all times to the inspection of the members of the Town Council, and it shall be the duty of the Inspector of Buildings to make complaint

of each and every violation of the provisions of this chapter which shall come to his knowledge.

Stairways of Escape.

SEC. 7. No person shall hereafter, either as owner, lessee or agent, use or occupy or permit the use and occupation of any store, factory, workshop or other structure where any person or persons shall be employed as workman or workwoman for wages in any trade or occupation, unless every such store, factory, workshop or other structure shall be provided with such fireproof doors and stairways for the escape of employees in the event of fire or other accident as are required by this ordinance, and each and every day such owner, lessee or agent shall, after the first conviction, neglect or refuse to comply with any provisions in this section, shall constitute a separate violation of this ordinance.

CHAPTER V.

STRENGTH OF FLOORS, ROOFS AND COLUMNS.

SECTION 1. Every floor shall be of sufficient strength to bear safely the weight to be imposed thereon in addition to the weight of the materials of which the floor is composed.

Strength of Roofs.

The roofs of all buildings shall be proportioned to bear safely fifty pounds upon every superficial foot of their surface in addition to the weight of materials composing the same.

Column and Posts.

Every column, post or other vertical support shall be of sufficient strength to bear safely the weight of the portion of each and every floor depending upon it for support in addition to the weight required, as before stated, to be supported safely upon said portion of said floors.

Joist Built into Walls.

[*As am'd April 22, 1907.*] Joists built into walls of masonry shall be bevelled at an angle of forty-five degrees and to the full extent

of their bearing capacity. Every header four feet and over, and all tail beams shall be hung in on suitable stirrup iron of wrought iron for headers and stirrup iron or shoe for tail beams.

Bearing of Timbers.

All timbers shall have sufficient bearing on the supports to insure stability. In all buildings where the joists are carried on girders, a cut-off partition, or row of solid bridging not less than one and a half inches thick shall be set in and solidly nailed over the girder, so as to fill spaces between joists and prevent the passage of fire and smoke.

Flues.

[*Added April 22, 1907.*] Cement flues are not to be used in dwellings unless built with brick enclosing walls and to have tile linings. The use of glazed tile for flues is prohibited.

Cellars for Living Purposes.

No cellar nor basement in any building heretofore constructed shall be used for living purposes unless the rooms shall all be not less than eight feet six inches high in every part from the floor to the ceiling, nor unless the floor of the entire cellar or basement shall be laid with four inches of concrete or asphalt, and the ceilings shall be plastered and the basement or cellar otherwise completed in other respects in accordance with the Building Code.

CHAPTER VI.

ELEVATORS.

SECTION 1. Elevators located and operated in the well holes of stairways shall, together with the stairs and the landings thereof, be constructed of fireproof material and shall be enclosed with walls of incombustible material or with substantial stud partitions covered with metal lathing and three coats of plastering on each side, and said walls or partitions shall be carried through the roof.

Openings Protected.

SEC. 2. All elevator openings through floors shall be protected by proper rails or gates or the openings in floors, through which the elevators pass, shall be closed with trap doors covered on the underside with metal; the roof over every elevator within a shaft as above provided shall be formed with a skylight of sheet glass of at least one-half the area of the shaft.

Skylight Over Elevator Shaft. Freight Elevators.

(a) The Council may make regulations for the inspection of electric, steam and hydraulic passenger and freight elevators with a view to the safety of passengers or operators. The regulations so made shall require all repairs found necessary upon inspection to be made without delay; and in case defects are found to exist which would endanger life by continued use of such elevator, then in either of said cases upon notice of the Inspector of Buildings, the use of such elevator shall be discontinued until said defects have been corrected to the satisfaction of the Inspector.

(b) Every entrance to a passenger elevator shall be provided with a sliding door with automatic or self-latching lock, and lock to be accessible only to the person operating said elevator, and in no case shall said person in charge of and running or operating said elevator allow, permit or cause the cab or car of such elevator to be raised or lowered until the door guarding such cab or car entrance has been completely closed and securely latched.

Elevator Operator.

(c) No passenger, employee or person other than the operator or person duly qualified and in charge of the operation of said elevator car, shall be permitted to handle, operate or manipulate any rope, shifting-rod, lever or other thing attached to or used to start or stop any elevator car, unless called upon by the person in charge of and operating said elevator, who finds it impossible to control and manage said elevator car. by reason of the machinery in operating said elevator, refusing to act.

Mechanical Stop to All Elevators.

(d) All elevator cars, whether used for freight or passengers, shall be provided with some suitable mechanical device whereby the car will be securely held in the event of accident to the ropes or hoisting apparatus or from any similar cause.

(e) All the foregoing provisions of this section shall be subject to the approval of the Inspector.

CHAPTER VII.

SKYLIGHTS AND SCUTTLES.

SECTION 1. Buildings of the Warehouse Class over one story high, and all flat-roof buildings, shall have in the roof scuttle frames and covers, or bulkheads and doors, not less than two feet by three feet six inches, made of, or covered with, fire-proof material, and such scuttle and bulkheads shall have iron ladders, or iron stairs securely bolted to the floor and frames; such scuttles, bulkheads and stairs shall be ready for use at all times.

Doors in Scuttles.

The doors in such scuttles or bulkheads shall not be locked, but must be fastened by movable bolts or hooks. Skylights on roofs shall be protected with a sufficient guard railing.

CHAPTER VIII.

FRAME BUILDINGS.

SECTION 1. [*As am'd April 22, 1907.*] All frame buildings shall be well sheathed and built with sills, posts, interties, plates and rafters, all of suitable and sufficient size, and to be properly braced and framed, and with suitable studs set at proper distances apart. The rafters shall not be less than two inches in thickness and six inches in depth; the floor beams shall not be less than two inches in thickness and ten inches in depth, or of equal supporting capacity, except third story or attic beams, which shall not be less than two inches in thickness and eight inches in depth; partition studs not less than two inches by four inches. All floor beams shall be well bridged. All the flooring

of all buildings to run to and against the outside sheathing. All overhangers and rafters to be closed up so as to prevent the passage of fire and smoke.

Wooden Buildings in Block of Two or More.

SEC. 2. In the erection of wooden buildings in blocks of two or more the said buildings shall have dividing or party walls of brick or concrete not less than eight inches thick.

Wooden Buildings Over Three Stories.

SEC. 3. No frame building shall be erected within the limits of the said Town of Montclair, exceeding three stories in height, exclusive of attic, the ordinance relating to chimneys, fire places and hearths prescribed in fire limits, shall apply to all buildings erected within the town limits.

SEC. 4. Stairways shall not be inclosed with partitions made of plank, boards, flooring or studding, unless plastered on both sides on metallic lath (except in private residences); studding partitions shall not be employed as supporters of any floors or roof (except in private residences).

Warehouse Class.

SEC. 5. Openings in walls of buildings two stories high and over in the warehouse class and located opposite any other buildings having openings and not more than thirty feet distant shall be provided with doors, blinds or shutters made of or covered with fireproof material. The doors or shutters shall be hung on cast-iron eyes or frames. Prismatic lights in iron frames shall be equivalent to fireproof shutters. Every opening in party walls shall be closed by two such fireproof doors, as above described, hung to cast-iron eyes or frames on opposite sides of the jambs of the opening.

Fall Pipes.

SEC. 6. Buildings shall be provided with proper metallic "fall pipes," which shall be connected with a storm water drain or catch basin connected with such drain when such building abuts upon a street or alley in which a public storm water drain is located, otherwise the

water shall be carried to the street gutter in a manner provided by the Building Committee.

SEC. 7. [*Added April 22, 1907.*] Temporary stairs or timber runways must be put up inside of all buildings as fast as the building progresses, and temporary guards must be constructed around all well holes for safety to workmen.

No building shall be hereafter erected within the Town of Montclair to be occupied by automobiles, horses or cattle, at a distance of less than forty feet from any dwelling house, church or public building, if within the fire limits, nor, if outside the fire limits, at a distance of less than thirty feet from any dwelling house, church or public building; provided that every building heretofore erected and now lawfully occupied as a stable or automobile house may continue to be so occupied.

Stables for horses or automobiles only may be erected not less than twenty feet from any dwelling house, church or public building; provided that such buildings are built of brick or cement and under the requirements of the Sanitary Code of the Board of Health.

CHAPTER IX.

SPECIAL PROVISIONS IN FIRE LIMITS.

Removal of Wooden Buildings.

SECTION 1. The removal of any wooden building or structure from without to within the fire limits is absolutely prohibited, and if accomplished before discovery, the Town Council may, at its discretion, order its return or demolition twenty-four hours after notice, at the expense of owner or owners of said building.

Weather Covering of Roofs Within Fire Limits.

SEC. 2. Weather coverings of roofs within the fire limits shall be made of incombustible material. Appendages, such as sky lights, dormer-windows, cornices, gutters, moldings, eaves, parapets, balconies, bay windows, towers, spires, ventilators, erections over elevators, turret, lantern light or other erections on roofs of all buildings, except dwellings, if not wholly fire-proof, shall be enveloped with incombustible material.

SEC. 3. All external parts of elevators, greenhouses, so far as regards the necessary woodwork of doors, frames and sashes, and all privies not more than eight feet square and ten feet high shall be covered with incombustible materials, and materials used and the mode of construction shall be approved by the Inspector.

CHAPTER X.

THEATRES AND OPERA HOUSES.

Stage.

SECTION 1. An open space shall be reserved in the audience room for the use of the audience in leaving the building and for service in the event of fire, such space to be on at least two sides of the auditorium.

Storage Room.

No portion of any building hereafter erected, altered, changed or used, or to be used as a theatre or opera house shall be occupied or used for offices, hotel, boarding or lodging house, factory or for storage purposes, unless the same is completely isolated by brick walls, which shall pass through and above the roof at least two feet; and no workshop or storage-room for theatrical purposes shall be allowed above the auditorium. If the carpenter shop and property-rooms for the storage of furniture and other accessories be provided for on the premises they shall be separated from the other portions of the theatre by means of fire-proof partitions and ceilings. The painted scenery and other decorations, when not in use, shall be stored in a contiguous store-room, which shall be inclosed with fireproof partitions, ceilings and floors and no place in the building shall be used for the storage or sale of any article classified by insurance companies as hazardous or extra hazardous material.

Ventilating Shafts. Skylight Fixed to Open.

SEC. 2. All ventilating shafts from the ceiling line shall be of fireproof material and shall pass at least four feet above the roof. The roof over the stage shall have skylight or lanterns equal in area to at least one-tenth of said roof, and the whole shall be so arranged

as to open instantly on the cutting or burning of a hempen cord, which shall be so arranged to hold said skylight closed.

Seats.

SEC. 3. All seats in the auditorium, except those contained in the boxes, shall be firmly secured to the floors, and no seat in the auditorium shall have more than eight feet intervening between it and the aisle, and no obstruction shall be placed in any aisle or passageway.

Aisle and Passageway.

SEC. 4. All aisles and passageways in the auditorium shall be in proportion to the seating capacity.

All doorways, passages, corridors and stairways shall be in a proper proportion to the capacity of the house and the several parts of the same to which they lead and with which they communicate.

Every auditorium accommodating three hundred persons shall have not less than two exits.

Exits.

SEC. 5. When accommodating five hundred persons not less than three exits shall be provided, and no doorway of exit or entrance for the use of the public shall be less than six feet in width, and for every one hundred persons additional or portions thereof, to be accommodated in excess of five hundred persons, twenty inches additional exit capacity shall be allowed.

Exits, Entrances to Galleries.

SEC. 6. All doors of exit or entrance shall open outwardly, and no such door of exit or entrance shall be locked during any representation or when the building is open to the public. Distinct and separate places of exit and entrance shall be provided for each gallery above the first floor.

A common place of exit may serve for the main floor of the auditorium and the first gallery, the latter to be provided with two independent staircases.

Stairs and Platforms.

SEC. 7. Not less than two independent staircases with direct exterior outlets shall be provided for galleries above the first gallery and shall be located on the opposite sides of the same; the latter staircases shall be inclosed up to the floor to which they lead; when straight stairs return directly above themselves a landing of the full width of both flights and of the depth of not less than one and one-half the length of the steps shall be provided; stairs turning at an angle must have a proper landing without risers at the turn. In stairs where there are two side flights they must equal the main flight and the width of the main flight must be equal to the aggregate width of the side flights.

Ceilings of Corridors, Etc.

SEC. 8. The ceilings of the auditorium and of the corridors, passages, lobbies and staircases shall be lathed with iron or wire laths or fireproof tiling and finished with three good coats of mortar or other incombustible material.

Inclosed Staircases.

SEC. 9. All inclosed staircases shall have on both sides a strong hand rail firmly secured to walls. No passage, leading to any stairs or exit, shall be less than the width of the stairs with which they communicate.

The walls separating the stage from the auditorium, also the several division walls separating the auditorium from the vestibule or other apartments devoted to the use of the public shall be constructed of brick or other fireproof materials.

Wall Between Stage and the Auditorium.

SEC. 10. The walls between the stage and the auditorium shall be carried through and above the roof at least twenty-four inches, and doorways in said walls shall not exceed twenty-one superficial feet each and shall have doors covered on the stage side with sheet metal; said doors shall be self-closing.

Dressing Room.

SEC. 11. Partitions inclosing and separating dressing rooms, and the ceilings of same shall be covered with three coats of plaster or

metal lathing or shall be constructed with corrugated sheet iron or other fireproof material.

Curtain Opening.

SEC. 12. The proscenium or curtain opening of every theatre shall have a curtain of asbestos; such curtain shall be lowered at the beginning and ending of each and every performance.

All scenery shall be constructed of slow burning material. Gas mains supplying any of the above-named places shall have connection independent of the stage and auditorium and proper provisions shall be made for cutting or shutting off the gas from the outside contiguous to the premises.

All stage lights shall have strong metal wire guards or screens of sufficient fineness that materials coming in contact therewith shall not be in danger of the flames.

Exit Over Doors.

SEC. 13. Every exit shall have over the same on the inside the word "Exit" painted in large letters not less than eight inches in length.

Electric Wiring.

SEC. 14. Every electric wire for furnishing light, heat or power led into any building from the outside thereof, shall have proper and sufficient appliances to cut off the current where it enters the building.

All inside wires shall be properly insulated and all work throughout be in accordance with the rules and requirements of the National Underwriters' Association, a copy of which said rules and requirements shall be kept on file in the office of said Inspector.

Gas Outlets.

SEC. 15. No gas burner, unless protected by a bell, shall be placed less than three (3) feet below any ceiling or woodwork, and all side lights and swinging brackets shall be so placed as not to endanger any woodwork, curtains or other combustible material.

Cutting Beams for Pipes.

SEC. 16. All cutting of beams for gas, water or pipes shall be not more than three (3) feet from bearing of beams and shall be not more than two (2) inches in depth in any case.

CHAPTER XI.

BUILDINGS OF PUBLIC ASSEMBLY.

Halls and Churches.

Any building, hall or room hereafter erected and used for church purposes, seating three hundred persons or over, shall have not less than two means of exit and entrance with direct outdoor connection with same. All exit doors shall open outward. Stairways, lobbies and doors shall be in proper proportion to the capacity of the church.

SEC. 1. In all buildings of a public character, such as hotels, churches, theatres, schools, public and private, restaurants, railroad depots, public halls and other buildings used or intended to be used for purposes of public assembly, amusement or instruction, the halls, doors, stairways seats, passageways and aisles and all lighting and heating appliances and apparatus, shall be arranged to facilitate egress in case of fire or accident and to afford the requisite and proper accommodation for the public protection in such case.

Passageways to Be Kept Free from Obstruction.

SEC. 2. All aisles and passageways in said buildings shall be kept free from obstructions.

Coal Hole Covers.

SEC. 3. Openings in roofs of vaults for the admission of coal or light shall be covered with lights of glass in iron frames or concrete or with iron covers having a rough surface and rabbeted flush with the sidewalk; these lights shall not be more than four inches square.

When areas are covered, iron or iron and glass combined, stone or concrete shall be used to carry the loads which may be placed thereon.

SEC. 4. No public building, theatre, opera house, or other building for public entertainments of any kind shall be opened to the public

for any entertainment until the Building Committee and Inspector of Buildings shall have approved the said building in writing, as conforming to the requirements of this ordinance.

Fire Hose.

SEC. 5. A proper number of fire plugs and sufficient quantity of hose (not less than one hundred feet in length), with couplings and with nozzles attached thereto and with hose spanners at each outlet shall always be attached to each hose attachment, all as the Fire Committee through the Building Inspector may direct. This applies to all public buildings, including schools, churches, hospitals, theatres and other places of assembly.

CHAPTER XII

MISCELLANEOUS REGULATIONS.

SEC. 1. No walls or piers or parts of walls or piers shall be built when the temperature is below 25 degrees F., and no frozen walls or piers shall be built upon.

SEC. 2. [*As am'd April 22, 1907.*] No frame or wooden building or dwelling house hereafter erected, shall be built without a foundation of brick, stone or concrete under every part of the building.

SEC. 3. No wooden fence shall be erected over eight feet in height.

SEC. 4. No sign or billboards, within ten feet of the street line, shall be at any point over eight feet above the surface of the ground and the same shall be properly supported and braced.

Sign on Buildings.

SEC. 5. No staging, sign, or billboards built of combustible material, more than three feet in height, shall be placed upon any building unless with the consent of the Town Council.

Dwellings More Than Three Stories.

SEC. 6. All buildings within the town limits to be used as dwellings or for lodging purposes more than three stories in height, exclusive of attic, shall be built of brick or other non-combustible material, as described in this ordinance for brick or other non-combustible material.

SEC. 7. All stud partitions in dwellings hereafter constructed shall be lathed and plastered from the floors to the ceilings and all ceilings shall be lathed and plastered, including cellars.

SEC. 8. No lathing shall be started in any building until the building so far as it has progressed, shall be passed by the Inspector.

SEC. 9. When wood or metal ceiling or wainscoting are used in any building, the surface of the walls or the partitions behind such ceilings or wainscoting, shall be covered, flush with the grounds and down to the floor lines, with plaster or plaster boards, before any such ceiling or wainscoting is put on.

Manufactories.

SEC. 10. All shavings, sawdust, chips or other combustible refuse shall be removed daily from every building two or more stories in height of the said town used or occupied, in whole or in part, for any of the trades or occupations, to wit: Planing mill, sash and blind factories, wagon or carriage manufactories, cabinet and furniture manufactories, wood-turning and veneering works, agricultural implement manufactories, box or shingle factories or any other wood working factory.

No Dwelling Without a Foundation.

SEC. 11. No frame or wooden dwelling house hereafter erected shall be built without a foundation of brick, stone or concrete.

Use of Fences.

SEC. 12. No fence shall be used as any side of a shed.

SEC. 13. Every building hereafter erected, that is to be used for a dwelling where there is no cellar or basement shall have an air space underneath; and such air space shall not be less than two feet eight inches in height and shall extend over the entire area covered by the building. The surface of the ground under any such air space shall be waterproof and said air space shall be enclosed in brick, stone or concrete walls provided with grills set in same for ventilation. The apertures shall be one inch square and shall not be less than nine in number. There shall also be provided an entrance to such air space, not less than two feet square, and said entrance shall be securely closed with a proper door, which door shall be kept

locked at all times. The floor above any such air space shall be laid with a double flooring of matched boards with a layer of heavy three-ply building paper or felt between the floors, the upper floor to be laid at an angle of forty-five degrees with the lower floor.

SEC. 14. No rags, paper, shavings or other inflammable materials shall be allowed to remain under any building, and no animal, or poultry of any kind shall be kept or allowed to remain under any dwelling.

SEC. 15. In all walls where wooden furring is used all the courses of brick, from the under side of the floor beams to the top of the same, shall project a distance of at least two inches beyond the inside face of the wall so as to provide an effective fire stop; and whenever floor beams run parallel to a wall and wooden furring is used, such beams shall always be kept at least two and one-half inches away from the inside line of the wall, and the space between the beams and the wall shall be built up solidly with brick work from the under side of the floor beams to the top of the same so as to provide an effective fire stop.

SEC. 16. In all dwellings fore and aft stud partitions which rest directly over each other shall run through the wooden floor beams and rest on the plate of the partition below and shall have the space between the studding filled in solid to the full depth of the floor beams and to a point eight inches above said beams with approved incombustible materials.

Repairs to Shingle Roofs.

SEC. 17. Within the fire limits existing shingle roofs may only be repaired on old lines and heights; but if altered in any way a metal, clay, tile or slate roofing is to be substituted.

Ash Holes, Etc.

SEC. 18. All ash holes, ash houses, or ash depositories of any kind, shall be built wholly of brick, stone, iron or fireproof material.

SEC. 19. [Added April 22, 1907.] In no case shall a wooden building be erected within two feet eight inches of any inside line of a lot unless the space between the studs of any and every such side be filled in solid with not less than four inches of brick or other hard fireproof material.

ARTICLE IV.

PENALTIES.

The owner or owners of any building, or part thereof, upon which any building in violation of this ordinance may be placed or shall exist; any architect, builder, carpenter or mason who may be employed or assist in the commission of any such violation, and any and all persons who shall violate any of the provisions of this ordinance or fail to comply therewith, or any requirement thereof, or who shall violate or fail to comply with any order or regulation made thereunder, or who shall build in violation of any detailed statement of specification or plans, submitted and approved thereunder, or of any certificate or permit issued thereunder, shall severally, for each and every such violation and non-compliance, respectively forfeit and pay a penalty in the sum of twenty dollars, and in case of non-payment thereof suffer imprisonment in the county jail for a term of thirty days, and the permit shall stand revoked until such time as the ordinance is complied with.

RULES.

Rules Governing Proceedings of the Town Council of the Town of Montclair, in the County of Essex.

I.

The regular meetings of this Council shall be held during the second and fourth weeks of each and every calendar month, and on such day of the week as the Council may, by resolution, adopted at its meeting, held for the purpose of organization, designate.

Other regular meetings may be held pursuant to an adjournment duly had.

Special meetings may be held at any time on the call of the Chairman or on the written request of any two members of the Council

The hour of meeting, except when otherwise specially designated, shall be eight o'clock P. M.

II.

At all regular meetings of the Council, the following order of business shall be observed :

1. Roll Call.
2. Reading the Minutes.
3. Hearing of Citizens desiring to Address the Council.
4. Consideration of Pending Business.
5. Reports of Standing Committees.
6. Reports of Special Committees.
7. Reports of Town Officers.
8. Petitions and Communications.
9. Introduction of New Business.
 - First Ward.
 - Second Ward.
 - Third Ward.
 - Fourth Ward.
10. Miscellaneous Business.
11. Bills, Claims and Appropriations.
12. Adjournment.

III.

At special meetings of the Council no business shall be transacted, except such as permitted by statute, and such as shall have been designated in the call for such special meeting.

IV.

The rules laid down in Cushing's smaller Manual shall govern the proceedings of this Council in all cases not otherwise provided for in the special rules of the Council, but no motion for the previous question shall be allowed or entertained, and every motion shall be debatable, except a simple motion to adjourn.

V.

All new business shall, in the absence of a motion to the contrary, be referred to the appropriate Standing Committee. Reports of Standing Committees shall be made by the Chairmen thereof, to the Town Council, at the first meeting after reference, unless further time be granted, and such reports shall be made in writing at the request of any member of the Council.

VI.

Whenever any one not a member of the Council desires to be heard on any matter of business, leave may be granted by the Chairman for that purpose unless objection is offered by a member of the Council; leave shall then be granted only upon a two-thirds vote of the members of the Council present.

VII.

Every resolution shall be reduced to writing before it is offered in Council, and when so offered shall be read by the Clerk.

VIII.

All bills and claims for the payment of money shall be presented monthly, at the first regular meeting of the Council, held in each month. Bills relating to work in charge of any Committee shall not be presented without first having been approved by such Com-

mittee, and such approval endorsed on the bill by the Chairman of said Committee. It shall be the duty of the Clerk and Comptroller to examine all bills before the same are presented to the Council, and if the same have not been approved by the appropriate Committee, to obtain the proper endorsement before submitting them to the Council. Bills submitted may be approved by a vote of the Council or referred to the Finance and Audit Committee, or a special committee for examination and audit, as the Council may direct.

Orders on the Treasurer for claims and bills so presented and audited may be drawn at and after the first regular meeting of the Council in each month, at which meeting the Finance and Auditing Committee, or special committee, as the case may be, and the Comptroller shall report on all bills and claims so referred to them.

IX.

The question upon every resolution and upon the passage of any bill or order for the payment of money, and, when any member shall request it, upon any motion, shall be taken as follows:

The Chairman shall say: "Those who favor this resolution (or motion) will, when their names are called, say 'Aye,' those opposed to it 'No,'" and the Clerk shall then call the roll, and shall record the vote of each member, provided however, that except upon a resolution, or motion, involving the payment of money, if the Council, by a majority vote, shall direct that the vote be taken by ballot, it shall be so taken.

X.

Whenever any money is ordered paid by the Town Council, it shall designate the fund out of which payment shall be made, and an order for the amount shall be drawn on the Treasurer, which shall be signed by the Chairman and countersigned by the Town Clerk. A full and complete record shall be kept by the Clerk in the Minutes of this Council of all orders for the payment of money.

XI.

It shall be the duty of the Clerk, in addition to his other duties, to keep full and exact minutes of all items of business brought

before the Council; to record with each motion or resolution the name of the mover, and when the ayes and noes are taken, to record the names of the members voting for or against the measure. He shall prepare a written memorandum of "business pending" and of "new business referred," mentioned in Rule V., and submit the same to the Council at the beginning of each regular meeting, and he shall notify the Chairman of each Committee, in writing, of all business that has been referred to said Committee. Whenever any ordinance shall have been introduced and read for the first time, he shall cause copies thereof to be printed and sent to each member of the Council as soon as practicable, and prior to the day named for the next regular meeting of the Council, unless the Council shall by vote direct that the printing and distribution thereof be dispensed with in any special instance.

XII.

Standing Committees shall meet to consider all business referred to them, and to hear any persons interested in the action to be taken by the Council thereon, upon the call of the respective Chairmen thereof, and at such times and places as they shall determine. The Town Clerk shall, at the request of the Chairmen of said Committees, notify the members thereof of the time and place of meeting, and of the subject to be considered.

XIII.

At the request of the Chairman or by a vote of a majority of the Council present, the Council shall consider such questions as it may deem advisable, in executive session. Final action by vote or otherwise, on all questions shall only be taken by the Council in public session.

XIV.

These rules, or any portion thereof, may be suspended, or amended at any meeting of the Council, by unanimous consent.

Adopted May 1st, 1901.

HARRY TRIPPETT,
Town Clerk.

Rules and Regulations for the Government of the Montclair Fire Department, Approved February 23, 1904.

ARTICLE I.

ORGANIZATION.

SECTION 1. All persons who are now or hereafter shall become members of any Hook and Ladder or Hose Company, Combination or Chemical Engine Company, now organized or that may be organized, or accepted by the Council of the Town of Montclair, Essex Couney, New Jersey, in conformity with the powers of the Council, shall be and are hereby organized as the "Montclair Fire Department."

SEC. 2. The Fire Companies composing said organization shall consist of not more than fifteen (15) persons except Hook and Ladder (and combination) Companies which may have twenty-five (25). Any Company reduced below a membership of ten (10) may be required to fill up its membership to that number within sixty (60) days on written notice from the Fire Committee served upon the acting Foreman of the Company. Fifty per cent. of the membership of each Company must be engaged in business in the town.

ARTICLE II.

GOVERNMENT.

SECTION 1. A Committee to be known as the "Fire Committee" appointed by the Council, and of the Chief Engineer (the Senior Assistant in his absence) shall have charge of the government of the Department, subject, however, at all times to the approval of the Town Council. Said Committee shall have power to appoint a Clerk.

SEC. 2. All expenditures from the appropriations for the Fire Department shall only be made upon recommendation of this Committee.

SEC. 3. The use of any apparatus for the suppression of fires, belonging to the town, shall be only during the pleasure of the Fire Committee for the time being in office, and said Committee may at any time demand and take into their own hands and possession every such apparatus, and the use of such apparatus by any Company shall

be at all times hereafter subject to such other rules and regulations as said Committee may from time to time adopt.

SEC. 4. It shall be the duty of the Clerk of this Committee to keep a complete list of all active and exempt firemen, as returned by the Secretaries of the several Companies, as hereinafter provided. He shall have charge of fire alarm box keys, badges and other property and keep account of same, also records of Fire Committee.

SEC. 5. The Chief shall have power to call such meetings or drills of the Department, other than the annual meeting, as he shall deem advisable and it shall be his duty to appoint the second Tuesday in September for a general review and parade, or inspection, or other September for a general review and parade, or inspection at houses, and he may affix such penalties for neglect to attend such review or inspection, or other omissions and violations of duty as firemen; also issue such standing orders for the discipline of the Companies, as he may deem proper, subject to the approval of the Fire Committee.

SEC. 6. The Fire Committee shall hold stated meetings for the transaction of such business as may be brought before them.

SEC. 7. Any person returned as expelled by any Fire Company, and feeling aggrieved by any such expulsion, may appeal therefrom by filing with the Chief Engineer and with the Secretary of such Fire Company a notice of such appeal with the grounds thereof. The Chief Engineer shall, upon receiving such notice, make no report to the Committee, until the notice of appeal shall have been acted upon by the Fire Company, and if the Fire Company does not sustain the appeal then it shall be the duty of the Secretary of any Fire Company to send such notice of appeal and all papers duly certified to the Chairman of the Fire Committee. After all the papers have been received by the Fire Committee it shall be their duty to carefully review them and to take such action as they deem just.

SEC. 8. No Fire Company shall, upon hearing of any appeal, be permitted to introduce evidence contradicting the record of proceedings of such Company.

ARTICLE III.

SECTION 1. The Town Council shall appoint on the first regular meeting in May upon the recommendation of the Fire Committee a Chief Engineer who shall serve two years.

The Chief Engineer so appointed shall have power to appoint two Assistants, and to name one of the Assistants to act as Senior Assistant Engineer in his absence, with the approval of the Fire Committee.

No person shall be eligible as Chief or as an Assistant Engineer unless he shall have served as an active foreman in this Department at least three years.

SEC. 2. No person shall become an active Fireman unless he is twenty-one years of age and under forty-five, of good moral character, sound in body and in mind, and a resident of Montclair, and a citizen of the United States.

SEC. 3. Company elections shall be held as provided for in their Company Constitution and By-Laws, and the Secretary of the Company shall report to the Fire Committee at the next meeting thereafter, the names of the officers so chosen.

SEC. 4. Members of the Town Council shall not become active members of any Hose or Truck Company within the corporate limits of said Department.

SEC. 5. No person expelled from any Fire Company shall be eligible to re-election as a member of the Fire Department.

SEC. 6. Any active member in good standing, if he wishes to be transferred to another Company may, upon the written consent of both Companies, properly attested by their officers and approved by the Chief Engineer, be so transferred by action of the Fire Committee.

SEC. 7. Officers of the Department, as elected or appointed under this article, shall be exempt from Company duties, meetings and fines.

ARTICLE IV.

DUTIES AND OFFICERS.

SECTION 1. The Chief Engineer and Assistant Engineers, in all cases of fire, shall have sole control over all the members of the Fire Department and over all the apparatus belonging thereto; and any person belonging to said Department who shall refuse to obey any lawful order of the Chief Engineer shall be expelled.

The Chief Engineer, on the approval of the Fire Committee shall have power to detail the several Companies to answer a first, a second, and a third alarm, and to designate Special Alarm Calls.

SEC. 2. In the absence of the Chief Engineer, the Senior Engineer shall act as Chief Engineer, and shall have all the power and authority of the Chief Engineer. In the absence of an engineer, the Foreman of the Company arriving first at the fire will take command of the Department.

A report of each fire shall be made to the Fire Committee, at their first meeting thereafter, stating box, time, location, class of property, owner or occupant, cause, companies on duty and officers in command, time of dismissal, loss and amount of insurance, and they shall be signed by the officer in command.

SEC. 3. The Chief Engineer shall wear a leather cap, painted white with a gilded front, and the word Chief painted thereon in black. The Assistants shall wear a similar cap with the word Engineer similarly painted.

SEC. 4. The Clerk shall submit the monthly reports of the several Companies to the Fire Committee at its first regular meeting after their receipt by him, when the Committee shall proceed to examine the same, and if it shall appear by the report of the Clerk that vacancies exist in the rolls of the Companies, the Fire Committee shall notify the Company in which the vacancies exist to fill such vacancy by nominating and electing persons and members, and the persons so nominated and elected shall be men of reputable character, and capable of doing active fire duty, the Committee may approve the elections. When it shall appear that no vacancy exists in the roll of any Company nominating persons as members the Committee may, at its option, pass upon the approval or rejection of the person so nominated, and, if approved, shall report their names for confirmation whenever any vacancies shall occur.

The monthly reports of resignations and expulsions shall be approved as made, except as provided in Section 7 of Article 11.

SEC. 5. The different Fire Companies shall be under the control of their respective Foreman and Assistants, and upon every alarm of fire which they answer shall forthwith repair to the place thereof, with the apparatus under their care, and there manage the same under the direction of the Chief Engineer.

If the alarm is one not answered by the Company, they shall remain at their quarters till taps are struck or they are dismissed by orders from the Chief. If any other alarm is given they shall respond

immediately. A roll-call shall follow every alarm, but no fines shall be imposed unless the Company was on duty.

SEC. 6. The Foreman and Assistant Foreman, or other persons acting as such officers, who shall, upon a hearing before this Committee, be convicted of a violation of any of the Rules and Regulations shall be liable in addition to the penalty prescribed in said section, to expulsion from the Fire Department.

Any Foreman or Assistant Foreman, or any person temporarily in command of any Fire Company, who shall knowingly permit or consent to any violations of Sections 4, 5 and 6 of Article VI shall be liable to be expelled from the Fire Department.

SEC. 7. The Secretary of every Fire Company shall immediately after each monthly meeting of said Company, deliver to the Clerk of the Committee a correct list of any and all persons nominated by such Company for membership in the Fire Department, setting forth the age, occupation, residence and place of business of the persons nominated, together with a correct list of all persons elected or who may have resigned from such company since the date of last report, with the cause of such action. The Secretary shall certify to the correctness of such monthly report, and that the persons so nominated or elected are men of reputable character and capable of doing active fire duty, and join the Fire Department as active firemen. These reports shall only be made on the blank forms to be obtained of the Clerk.

SEC. 8. The Foreman and Secretary of every Fire Company shall, immediately after the meeting of April in each year, deliver to the Chief Engineer a correct inventory of all the apparatus, furniture and fixtures in the possession of such Company, belonging to the Montclair Fire Department. A failure or refusal on the part of the officers of any Company to make an inventory, or any wilful incorrectness or misstatement in any such inventory shall be reported to the Fire Committee.

SEC. 9. The Secretary of every Fire Company, immediately after the meetings held in April, July, October and January, send a copy of the roll-call of his Company, of the fires and drills of the previous quarter, giving the attendance of each member, and this report shall be attested by the Foreman or officer in command. Also a report of the attendance at the Department parade, within five (5) days thereafter, likewise attested.

ARTICLE V.

BADGES.

Each and every member of the Fire Department must wear the badge adopted by the Fire Committee, and said badge shall designate the number of member wearing it. The badges to be the property of the Montclair Fire Department and to be distributed to individual members of the Department upon requisition of the Foreman of the respective Companies through the Chief Engineer. No member shall loan his badge to any other member, or to any one not a member of the Fire Department, and any member losing his badge must notify the Foreman of his Company of such loss and procure another one from the Fire Committee, which shall be given him upon payment of seventy-five (75) cents. Any member leaving the Department must return badge to the Fire Committee through the Foreman of his Company.

ARTICLE VI.

OFFENCES AND PENALTIES.

SECTION 1. Any member of any Fire Company who shall be guilty of creating or assisting to create, or of spreading a false alarm of fire, shall be expelled from the Fire Department.

SEC. 2. No person shall take command of any Company at any time when on duty, except he be a member of such Company.

SEC. 3. No person shall be allowed to ride on any fire apparatus when going to a fire or at any other time when on duty, except a member of the Company, or a person known to the officer or member in command at the time, to be a fireman, or an exempt fireman.

SEC. 4. Any member of any Fire Company, who shall, while on duty, be guilty of any disorderly or riotous conduct, or who shall commit any disorderly act, or create or try to create any fight or other disturbance of the peace while on duty or in any Hose or Truck House, shall be expelled from the Fire Department.

SEC. 5. If any fireman shall neglect to attend at fires without a sufficient excuse, or shall refuse or neglect to do his duty in working at fires, or shall disobey the orders of the Chief Engineer or Assistant Engineer, or Foreman or Assistant Foreman of his Company, or

shall leave his apparatus while at a fire, he shall be subject to expulsion. Reports received under Article IV, Section 10, may be used to attest charges under this section.

SEC. 6. No Fire Company shall at any time take the apparatus in their charge beyond the corporate limits, for any purpose whatever, without the express permission of the Chief Engineer, provided that in case of a fire occurring beyond the limits of the Town, such permission may be verbal, but no Company shall take their apparatus to any such fire without such permission from the Chief or Acting Chief Engineer

SEC. 7. The members of the Fire Department shall perform at least sixty per cent. of fire duty, exclusive of meetings and parades, and it shall be the duty of the Secretary of each Fire Company to report, within five days after their regular meeting in May to the Fire Committee the amount of fire duty, as stated above, by each member of his Company and any member not having performed sixty per cent. duty shall be returned suspended to the Fire Committee, and all members doing less than sixty per cent., shall have the right to appeal and show cause.

SEC. 8. If a leave of absence is wanted the parties so desiring must make application to his Company officers, who will forward his request to the Fire Committee for action.

SEC. 9. It shall be the duty of the Fire Police to form a line at least one hundred and fifty feet from the fire, and they shall not admit within said limit any person other than owner or occupant, a member of the Fire Department or an exempt, or a reporter, or a representative of an insurance company, or an officer of the town.

Two members of each Company, in business in the Town, may be appointed under the provisions of an act entitled "A further supplement to an act entitled 'An act for the incorporation of Fire Companies,' approved April 21, 1876" (Chap. LXVII), approved March 25, 1884, to act as Fire Police, under the orders of the Chief Engineer.

SEC. 10. Every Hose Company shall keep at least 750 feet of hose coupled together on their apparatus ready for use, and at a fire shall lay the amount necessary.

Every Hose Company making a connection to a hydrant shall see that a hydrant gate is attached to the second opening of the hydrant before the water is turned on.

The Chief or Assistants, or either of them, may order a second Company to couple their hose to the end of any hose already laid, and order either Company to take charge of the stream.

Every truck or combination apparatus shall carry at least one dozen extra charges for the chemical extinguishers.

SEC. 11. When "The Association of Exempt Firemen of the Town of Montclair" are called out by special alarm for fire duty, they may render such service with their old Companies, or give general assistance, as may be required.

ARTICLE VII.

COMPANIES.

Each Company shall adopt a Constitution and By-Laws for its own government, and not inconsistent with these rules and regulations and shall submit the same (and any alterations or amendments) to the Fire Committee for their approval, before they shall be enforced.

ARTICLE VIII.

Any alteration or amendments to these rules may be changed by the Fire Committee; two weeks previous notice having been given in writing, subject to the approval of the Town Council.

Rule 1.

It shall be the duty of the Drivers of all fire apparatus to be in constant preparation for a call to active duty. They shall have charge of the horses, harness, stables, &c., and have them well cleaned each morning. They shall take charge of the horses of the Company during the service of their apparatus at a fire. In cold and stormy weather on arriving at a fire they shall immediately blanket their horses, and if the apparatus is placed in service they shall take proper care of their horses. When the horses return to the house wet by perspiration or otherwise, they shall have them well cleaned, rubbed down and thoroughly examined and ready for immediate use. It shall be the duty of the Drivers to exercise their horses two hours

daily (weather permitting, Sunday excepted), and unless they receive a previous order from the Chief in charge, not to take them more than one-fourth mile from their respective houses. Should a fire occur during the day, previous to the hours for exercise, the exercise for that day will be omitted. The Drivers shall not leave their horses during such exercise. The Drivers of any fire apparatus shall in no case run over any hose unless ordered to do so by the Chief. They are also forbidden, while responding to alarms to turn corners or to turn in and out of railroad tracks faster than a moderate trot. They shall practice their horses at the 9 o'clock stroke of the alarm gong each night in going to their places in front of their apparatus and they must drop the harness on the horses and snap the collars. All horses must be cleaned by 8 A. M., and at 9.30 P. M. all horses must be bedded down for the night except in cases of fire or alarms of fire. All Drivers shall be responsible for the neat and clean appearance of the apparatus in their charge. They shall keep their harness properly cleaned and oiled at all times, and they shall report immediately to the Chief any defects which they may discover.

Rule 2.

The Regular men will be held responsible for the condition of the several fire houses to which they are assigned and shall keep the rooms cleaned and dusted at all times. They shall scrub the main floor as often as necessary (at least once in each week) or whenever directed so to do by the Chief.

No members of the Department, except the Regular men, shall sleep in any Hose or Hook and Ladder House without consent of the Chief Engineer, and in no case will permission be given to members or to persons not connected with the Department to frequent the same at unreasonable hours.

Loud and boisterous talking, or the use of profane or obscene language in or about the Department houses will not be tolerated; intoxicating liquors must not be kept in or allowed to be drank in, nor shall any intoxicated person be allowed to remain in any of the department houses, nor will any loafing or lounging about in any of them be allowed. All houses shall be closed at or before 11 P. M. except in case of fire. The regular men shall not absent themselves from the premises of their several houses, except in the performance

of the duties above prescribed, without permission of the Chief, who shall arrange for absence for meals, days off, vacations and special permits, as he shall deem best for the interests of the department.

Rule 3.

All paid members of the department shall be required to keep their uniforms in a neat and clean condition. Drivers when on duty shall appear in regulation uniform, except when performing their regular work in the houses and stables or unless special permission is obtained from the Chief to do otherwise.

Rule 4.

Any member of the department intoxicated on duty or who shall at any time enter a saloon when in uniform, shall be suspended by the Chief, who shall report his suspension to the Fire Committee.

Any member of the department who shall be charged and convicted of any crime or misdemeanor, or who shall be guilty of any act which will bring discredit upon the department, whether on or off duty, shall be reported by the Chief to the Fire Committee for trial, and shall be subject to discharge if the Committee decide that it shall be to the interest of the department.

Rule 5.

In all cases where a fire hydrant is found to be in any way out of order, the location of the same shall be reported as soon as possible to the Chief who shall report to a member of the Fire Committee and have it repaired as soon as possible.

Approved by the
Fire Committee, Jan. 13, 1904.

Approved by the
Town Council, Feb. 23, 1904.

**By-Laws of the Board of Education of the Town of Montclair, New Jersey,
Adopted 1901.**

1. The officers of the Board of Education shall be a President, Vice-President and Secretary, who shall hold their positions for one year, unless removed by a majority vote of the Board.

2. The election for President, Vice-President and Secretary shall be by ballot, and shall take place annually at the first regular meeting in January. A majority of votes shall be necessary to a choice.

3. The regular meetings of the Board shall be held on the first Tuesday after the first Monday of each month, at 8 P. M., except when said first Tuesday is a legal holiday, in which case such meeting shall be held on the succeeding Tuesday. Special meetings may be called by the Secretary at his discretion, or on the written request of three members.

4. Five members shall constitute a quorum necessary to the transaction of business, except for such business as by law requires a majority vote of the Board.

5. SECTION 1. At the first meeting in January, or as soon thereafter as possible, the President shall appoint and place on file with the Secretary the Standing Committees for the ensuing year.

SEC. 2. The Standing Committees shall be as follows:

Finance, to consist of 3 members.

Teachers, to consist of 5 members.

Buildings and Grounds, to consist of 5 members.

Heating and Ventilation, to consist of 3 members.

Supplies, to consist of 3 members.

Law, to consist of 3 members.

Manual Training, to consist of 3 members.

Books, to consist of 3 members.

6. The buildings occupied by the public schools in this town shall be used for no other purposes than such as are immediately connected with public school instruction, unless by special permission granted by the Chairman of the Committee on Buildings and Grounds and the Superintendent of Schools.

7. All regular supplies shall be purchased by the Business Manager, employed by the Board on recommendation of the Committee on Supplies after being approved by the Board. Special articles needed, not in stock, shall be provided only on written requisition of the

teacher requiring them, approved by the Superintendent and countersigned by the Secretary.

8. The Teachers of the various classes in all the schools shall make to the Superintendent monthly reports of the enrollment, attendance, etc., upon printed blanks to be furnished them by the Secretary, and the Superintendent shall consolidate and report the same to the regular monthly meetings of the Board.

9. When a Teacher is absent beyond one week the compensation shall be one-fourth of regular salary until the close of the current month.

10. The Town Superintendent of Schools shall, at each regular meeting of the Board of Education, make a written report of the educational condition of each and all of the schools in the town with the results of his personal inspection of the same.

Order of Business.

11. Calling of Roll.

Reading of Minutes.

Report of Business Manager.

Communications.

Teachers' Reports.

Reports of Standing Committees :

Finance, including Approval of Bills.

Teachers,

Buildings and Grounds,

Heating and Ventilating,

Supplies,

Books,

Manual Training,

Law.

Special Committees.

Unfinished Business.

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Superintendent's Report.

Adjournment.

Rules and Regulations Governing the Engagement and Employment of Teachers and Principals, the Terms and Tenure of Such Employment, and the Promotion and Dismissal of Such Teachers and Principals, the Salaries, and the Time and Mode of Payment Thereof, Adopted 1899.

1. In case the dismissal of any teacher before the expiration of any contract entered into between such teacher and the Board of Education of Montclair shall upon appeal to the State Superintendent of Public Instruction, be decided to have been without good cause, such teacher shall be entitled to compensation for the full term for which said contract shall have been made; but it shall be optional with the Board of Education whether such teacher shall or shall not teach for the expiration of the term.

2. If a teacher employed by the Board of Education of Montclair shall leave the school before the expiration of the term of his or her employment without the consent of the Board of Education, said teacher shall be deemed guilty of unprofessional conduct, and the State Superintendent of Public Instruction is authorized upon receiving notice of such fact, to suspend the certificate of such teacher for the period not to exceed one year.

3. Every teacher in the public schools of Montclair shall keep a school register in the manner provided therefor, and no order or warrant for salary shall be delivered to such teacher until the Secretary, or other officer authorized to deliver such order or warrant, shall ascertain that said register has been properly kept for the time for which salary is demanded, and shall enter upon said register a certificate to that effect.

4. The order or warrant for the balance of salary due any teacher at the time of closing the school for the summer vacation, or of leaving the school before the end of the school year, shall not be delivered to such teacher until the Secretary or other officer authorized to deliver such order or warrant shall have received written notice from the County, City, Town, Borough or Township Superintendent, that such teacher has filed with him his or her annual report on the blank furnished for that purpose by the said Superintendent of Public Instruction; provided that in any school in which more than one teacher shall be employed the Principal thereof shall furnish such report.

5. The salary shall be specified in every contract with a teacher in our Montclair schools and shall be paid in equal monthly installments, not later than five days after the close of each month while the school shall be in session.

6. No teacher shall be entitled to salary unless such teacher shall be the holder of an appropriate teacher's certificate.

7. No teacher shall be required to teach school on any day declared by law to be a public holiday, and no deduction from the teacher's salary shall be made by reason of the fact that a school day happens to be a day declared by law to be a public holiday.

8. A teacher shall hold every pupil accountable in school for disorderly conduct on the way to or from school, or on the playgrounds of the school, or during recess, and shall suspend from school any pupil for good cause; provided, that such suspension shall be reported forthwith by the teacher to the Board of Education; provided, further, that in any school in which more than one teacher shall be employed the Principal alone shall have the right to suspend a pupil.

9. No religious services or exercises except the reading of the Bible and the repeating of the Lord's Prayer, shall be held in any school receiving a portion of the moneys appropriated for the support of public schools.

10. No principal, teacher or other person employed or engaged in any capacity in the public schools of Montclair shall inflict or cause to be inflicted corporal punishment upon any pupil attending said school.

11. No teacher shall be required to serve on any jury in this State while his school shall be in session.

12. Any contract or engagement between a Board of Education and a teacher shall cease and determine and be of no effect against said Board whenever said Board shall ascertain by notice in writing received from the County, City, Town, Borough or Township Superintendent or otherwise, that said teacher is not in possession of a proper teacher's certificate in full force and effect, notwithstanding the term or engagement for which such contract shall have been made may not then have expired.

13. Unless otherwise specified in the contract, the term of employment of teachers and principals shall be one school year, beginning on the first day of July.

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